

APPENDIX

For

Proposed Circle R River Ranch Acquisition

Region 5 Habitat Montana Proposed Land Project



**Montana Fish,
Wildlife & Parks**

*Montana Fish, Wildlife & Parks
2300 Lake Elmo Drive, Billings, MT 59105*

June 06, 2008

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Circle R River Ranch PUBLIC COMMENT Summary

As of June 3, 2008

Written Comments received from:

Martin Tesdal, Laurel
Brian Bornhoft, Billings
Gary Grassel, Billings
Rick Coyle, Billings
Brandon Carpenter, Shepherd
Dave Vickery, Custer
Ellen Pfister, Shepherd
David Oss, Shepherd
Janet Talcott, Worden
Linda Shelhamer, Billings
Magic City Flyfishers (Chris Fleck)
Laurel Rod and Gun Club (Herb Stoick)
Public Lands/Water Access Association, Inc. (John Gibson)
Billings Rod & Gun Club (Irv Wilke)
Montana Wildlife Federation (Craig Sharpe, Jim Olsen)
Annie Rowe, Worden
Bill Rowe, Worden
Tony Brilz, Billings
Deborah Brilz, Billings
Kirk Marzolf, Worden

Oral Comments from public meeting (May 8, 2008):

Lee Gustafson (Laurel Rod and Gun Club), Mike Whittington (Magic City Flyfishers), John Gibson (Public Lands/Water Access Association, Ltd), Irv Wilke (Billings Rod and Gun Club, Tony Brilz, Tom Carroll (BLM), Bill Glaser (Legislative Appropriations Committee), John Shelhamer, Annie Rowe, Bill Rowe, Kirk Marzolf, Janet Talcott, Linda Shelhamer, Lane Larson (State Senate), Ron Propp

A total of 23 people attend the public meeting. Fifteen provided oral comments.

Oral comments via phone calls received from:

John Shelhamer, Billings
John Ballek
Kirk Marzolf, Worden
Bill and Annie Rowe, Worden

Face-to-Face Meetings:

Linda and John Shelhamer, Billings
Annie and Bill Rowe, Worden
Kirk Marzolf, Worden

PUBLIC COMMENTS IN FULL

In the Decision Notice (June 6, 2008), we have summarized public comments into various issues to which FWP has responded. Here we have included all written public comments received. Original documents are available at the Region 5 FWP Headquarters, 2300 Lake Elmo Drive, Billings, 59105, (406) 247-2940.

From: Bornhoft, Brian
Sent: Monday, April 28, 2008 2:00 PM
To: Mule', Ray
Subject: Circle R River Ranch Acquisition

Circle R River Ranch Acquisition

- Do it. The more public access, the less demand there is lease private lands. If landowners can't make top dollar for selling our public animals they might start opening their doors again.

Thanks for listening.

Brian Bornhoft
Electrical Engineer, P.E.
Montana Anvil Corporation

Sent: Friday, May 02, 2008 1:56 PM
To: Mule', Ray
Subject: Circle R ea

I would like to express my appreciation for the work the FWP has done in preparing the EA for the possible purchase of the Circle R River Ranch. I see this as a tremendous asset for the people of Montana. Unfortunately I will be unable to attend the informational meeting in Billings May 8th, but you have my complete agreement for the project. I am very excited about the possibilities.

Martin Tesdal
Laurel, MT

From: Gary Grassel
Sent: Monday, April 28, 2008 7:37 PM
To: Mule', Ray
Subject: Circle R River Ranch Acquisition Environmental

Assessment seems to be on fast track.

Dear Mr. Mule',

For whatever it is worth ... I sincerely applaud you and your departments' recent efforts to try and straighten things out within the realm of our public's wildlife, access, harboring, etc ... I see this as a very tough issue ahead, but if we can somehow educate the general public on what has been taking place over the past decade ... what is right for the general public will eventually all fall into place and the commercial interest and wealthy will not "steal" what is left of this wonderful state.

Best Regards,

Gary Grassel
Billings, MT

PS. I do recommend the acquisition stated below! What a grand thing to allow the general public to enjoy such an area of history. NO MORE Private, chopped up hunting preserves only for the wealthy! This is just so very frustrating to see all these lands disappearing to the "special" (I will be nice and just say that) people.

From: Rick Coyle
Sent: Monday, April 28, 2008 3:59 PM
To: Mule', Ray
Subject: Support to purchase Circle R River Ranch

Dear Ray,
I support the F, W & P purchase of the Circle R River Ranch east of Worden to protect the property from individual ownership and the continual privatizing of the State's Wildlife. I believe the state F, W & P Department should raise Access Enhancement Fees to \$20.00 per resident and \$250.00 per Out-of-State resident to help fund your acquisitions of Private Property so the resident hunters and fishermen may someday have an opportunity to again hunt our wildlife and fish our streams.
Respectfully,

Rick Coyle
Director of National Sales
Northern Broadcasting System
Billings, MT

From: Dave Vickery
Sent: Friday, May 09, 2008 12:47 PM
To: Mule', Ray
Subject: comment

Please accept this comment to the Circle R acquisition. Under Sec. IV, Alternative A. I urge you to complete purchase of this site as rapidly as possible. The addition of the site for public access and recreation will be an incredible addition benefiting present and future generations of Montanans. One of the greatest problems, especially in eastern Montana, is lack of public access, especially along the Yellowstone River. This purchase will enhance not only river

access, but open up access for several thousand acres of public property managed by BLM that were previously off limits to use by its owners, the public.

This acquisition should be only the first of many in eastern Montana. Obtaining additional public land and enhancing access are critical issues that need to be actively pursued in the state. FWP should be highly commended for moving forward with such projects.

Please move forward quickly in completing the purchase of this property.

Thank you.

Sincerely,

Dave Vickery
Custer, Montana

May 8, 2008
Draft Environmental Assessment
Circle R River Ranch Acquisition
Region 5 Habitat Montana Proposed Land Project

1. The successor in title to the Northwest Improvement Company (land management arm of the Northern Pacific Railroad) owns all the minerals in Sections 9, 17, 21, 23 (N ½), T 3N, R29E. The minerals were reserved to NWI when the land was conveyed to the purchaser sometime in the 1930's or early 1940's. It would be well to check the patents out of the federal government to see if there were any mineral reservations on the even numbered sections. There may also have been mineral reservations by subsequent owners in the chain of title. One question would be whether sand or gravel would be considered a mineral under the NWI reservation. It would be fool hardy to buy a tract of land for public use for the price being asked without getting all the minerals.
2. The authors of this EA do not have a firm grasp on what it will take in manpower or money to administer a tract of land for unlimited public access this close to Billings. The authors toss off costs and impacts as inconsequential. I think this will be another Lake Elmo for costs to administer effectively and safely. FWP was complaining bitterly some years ago about how much that cost.
3. There is no discussion in the EA on how much unlimited public access to "wildlands" will increase the risk of fire on the land itself and to the neighbors, let alone who will pay for the increased costs. Several years ago the proposed purchase was so overgrazed that it did not carry a fire that encroached upon it, but if it is managed so there is increased litter buildup, then the risk of fire damage from unlimited public access will be much increased. The BLM land which would have the increased public access probably has a

large litter buildup, because most of it is so rough that it has not been heavily grazed. That roughness would make fire fighting problematic on it.

4. The EA fails to mention the location and acreage extent of the leafy spurge infestation. The promise of control with herbicides may not be possible. The literature circulating in the agricultural press indicates that control may not be complete, and that animals such as sheep or goats may have to be brought in to assist with control. The public should be excluded from leafy spurge areas, or they will spread it all along the roads on the North side of the River and into the BLM and other lands as well. Leafy spurge has the potential to impact many other land owners outside the FWP controlled property.
5. The EA is blithely over optimistic about the lack of law enforcement problems in the area. I am sure there will be increased trespass problems onto the neighboring ranches ranging from leaving gates open to pursuit of game onto other lands to just looking around to see what else is out there, and, of course, there are the Six-Pack Sams who do not pay attention to where they are or anything else. FWP has been having poaching problems on Bundy Road in the last year, and so far, they have not caught the poachers. Do the neighbors have any hope of better enforcement emanating from this acquisition?
6. The EA does not answer the question of what becomes of the rental from the State School Sections with management for unlimited public access. The original purpose of those sections is to support the public schools. Who will reimburse the public schools? It has been my opinion over the years that the carrying capacity of the state school sections has been raised beyond what it should be in order to generate funds for the schools. I would also note that the so-called five miles of river access being acquired is actually less than that, because one of the miles is a state owned section that fronts on the river and another mile of river frontage is owned by BLM.
7. Paragraph e) on page 15 is rubbish. Where ever there is increased public access, there are increased costs. For instance, the Ah-Nei sacrifice area on CA Road has had to have the parking improved (BLM cost) and finally a special dust suppression surface from the end of the pavement to the entry of the Ah-Nei parking lot (Yellowstone County expense). I am sure something similar will have to be done for this acquisition. The BLM shooting range off of US 87 North has constant trouble with garbage dumping and bullet casings littering the landscapes. Neighbors to that have had bulls shot. Increased traffic on open range roads brings other problems such as maimed and killed cattle and horses.
8. I think the authors of the EA are far too optimistic on the amount of game that can be harvested from the property. Ten Thousand acres full of first day hunters will empty the area of game to adjacent properties. The elk and deer aren't stupid. They may even do the south of the river ploy and come back to the hay fields at night. Baiting wildlife with hayfields won't keep them there for long to be shot at by the unlimited public.
9. Does FWP have any idea what it will cost to operate and maintain those two sprinklers? The water may come from the river but the pumps run on an electric meter.

10. It appears that FWP not only wants control of the acquisition, the state land and the BLM, but also wants unlimited access to adjacent private lands. That looks like a land grab without compensation. The unlimited public access debases the value of the BLM grazing allotments. Rather than gaining access to any private land that may be included in pastures with BLM lands, there may be land trades and/or forfeiture of the allotment to prevent unlimited public access to private lands. The economic value of the allotment may become less valuable than the need to control who is on one's property.
11. One thing that is concerning is the open ended nature of future EA's regarding this property. It looks like the sky's the limit---and possibly the costs involved in administering this property.
12. There are some portions of this EA where purposes conflict with each other---such as unlimited public access with operating a rest rotation grazing system----such as protecting the prairie dog town and allowing varmint shooting---such as wildlife viewing and hiking with varmint shooting and hunting.
13. I would be curious to know how many acres of prairie dog towns are in the acquisition, and what efforts other than varmint shooting, FWP would pursue to keep them from spreading onto neighboring privately owned lands.
14. I think operating a rest rotation grazing system to improve range condition will prove to be problematic in finding a responsible cattle operator willing to cope with unlimited public access. A rancher who would take on that kind of pasture would have to economically desperate or an unmitigated speculator.
15. Would FWP restrict access to the property in times of high fire danger?
16. On pages 21 and 22 there are apparently conflicts between Objective 3 c) Strategy and Strategy c) on page 22 where on page 21 the strategy is to allow hunting without limits on numbers and on page 22 "Properly managed hunting will help keep animal populations at reasonable levels." It looks like FWP is trying to have it both ways, but has no idea of what it takes to manage public impacts.
17. I have real reservations on whether the restrictions on motorized access would be honored unless there is FWP presence on the property.
18. The EA does not take into account the economic damage to the ranchers who have their BLM allotments and in some cases, their private land, opened to unlimited public access. The EA assumes that unlimited public access is the ultimate good and there is no down side, certainly not enough to be calculated, but I am sure other neighbors to this acquisition would disagree.

This EA is incomplete and should be an EIS with FWP's plans fleshed out more completely in order to avoid a Lake Elmo situation. In my opinion, FWP should have a resident person on site to keep track of the public and to induce responsible public behavior. There should probably be a fee collected from "non-consumptive" users to assist in maintaining the acquisition. Expecting the hunters to be the only ones footing the bill is not quite fair either. Hiring a Habitat specialist is nice window dressing, but falls short of the supervision needed to have a responsible public

and to provide emergency contact in the event of fire, accident or mayhem. Just having the game warden drop in occasionally will not prevent the damage that unlimited and unsupervised public can inflict on a property, such as shooting up signage. There needs to be onsite supervision of the acquisition.

Finally, the mineral rights question needs to be resolved before the acquisition goes forward at this price.

Submitted by:
Ellen Pfister
Shepherd, MT

From: David Oss
Sent: Thursday, May 15, 2008 9:36 PM
To: Mule', Ray
Subject: Circle R River Ranch Acquisition

Dear Sir:

I'm hearing about this late for some reason, and only because of the extension of the deadline for comments am I able to respond at this late hour. I was unsuccessful at my attempt to download the EA concerning this proposition, so I will come in to the regional office at Lake Elmo tomorrow to see if I can procure a copy of it. I was just notified by a concerned landowner about the proposition and want to respond to what I've heard so far, before the opportunity is past.

I've lived northeast of shepherd for thirty years and I'm quite familiar with all of the country between here and the mouth of the Bighorn, both as a sportsman and friend of landowners all along the Yellowstone river. During this time I've cultivated long standing relationships and close friendships with many of them, with the result that I enjoy hunting, trapping, and fishing access virtually without limit, cheerfully given in trust that I've been very careful to earn and preserve.

This has been by asking for permission to hunt or recreate on their property, by always thanking them in some way besides verbally, and subsequently reporting back to them the results of our hunting, fishing, or other recreational activities.

One key to my success in building trust and friendship is a pledge I've always given not to leave behind so much as a gum wrapper or cigarette butt, to bury my toilet paper, and abstain from using fire or driving in when fire danger is high. Sometimes they are concerned about danger to their livestock and this is when being a bow hunter gets me inside the fence. Many of them don't want anyone to shoot their turkeys; I don't have a problem with that...I can buy a turkey at Albertson's. Some of them are leasing BLM land to graze their cattle; I still ask permission before I hunt there, and if they'd rather I didn't, I back off. Regardless of where I hunt, fish, or camp, I always let them know when I'm going to be there and give them assurances that I will be liable for any damage that I or anyone with me may inadvertently cause to their property or livestock.

My point is that I don't need to use public access facilities to launch my water craft or pitch my tent or set my traps. There are plenty of private landowners all along the river who are gracious and willing to grant these privileges to someone they know and trust...but not to John Q. Public. He's someone they've come to distrust and disdain. He arrives unannounced, he's unappreciative, he's a pig, a vandal, he's disrespectful and dangerous. He takes his privileges for granted and never thinks to say thanks or show appreciation.

The landowners of Montana always have been and always will be the best stewards of the land. If you knock on their door to ask permission and they say "no" it's more than likely that your predecessors have left a bad taste in their mouth. This is when being polite and diplomatic can be invaluable. I've turned many 'no's into, "yes, no problem" by being polite, patient, and sensitive. Trust and friendship are not gained overnight and don't come easy. Once achieved they still have to be nurtured and carefully guarded.

As a final point in describing my position I want to emphasize that I never have paid any landowner for these privileges and I never will pay for hunting. I'm not saying that I don't return kindness in some way; on the contrary, I never fail to show my appreciation...but not with money. Paid-for-hunting is profane and akin to prostitution as far as I'm concerned.

Now to address the Circle R. Ranch acquisition issue:
From what I'm hearing, the proposal is to open up these lands to John Q. Public by way of road access along the Bundy road and Bozeman trail route that the long time landowners have always enjoyed as a quiet and peaceful "open range" grazing operation, free from road dust, noise, vandals and litter, and all hour traffic by everyone and anyone who's bored with the city life and wants to get out to the country and raise hell. Of course there would be true sportsmen and women among them who would be law abiding, considerate, and responsible, but we all know they will be overshadowed by those who are not. If you object to that statement, let me refresh your memory of a similar experiment.

Just a few miles northeast of my home was a beautiful and similar public land property that everyone in the area enjoyed and respected as a place to get away and get some fresh air, ride a horse or take a walk. The place had a hard to spell name like Ah Knee, or something like that. It was opened up for John Q. Public to raise hell with motor cycles, four wheel ATV's, etc., and has ever since been an ecological disaster, a never ending conflict between local residents and the vandals, polluters, drunks, and irresponsible public that has trashed the whole area. Noise pollution, dust, litter, and vandalism have been it's legacy and nothing but turning back the hands of time could ever correct that mistake.

Let's not make the same mistake with the Circle R. acquisition proposal. As has been stated, there has always been access to this area by river and by private property by those who want to go there bad enough to float the river or cultivate a relationship with a landowner. The only reason that area is as nicely preserved as it is, is because these means of approach filter out the riff-raff among our population. If it's opened up as proposed, it will soon be another disaster which we will all regret, and the first casualties will be the adjacent landowners who have kept it unspoiled thus far.

Thank you Ray for hearing me out; please post my views as an alternative position.

Sincerely,
David A. Oss
Shepherd, MT

May 14, 2008

Circle R River Ranch Acquisition
Montana Fish, Wildlife & Parks
Region 5 Headquarters
2300 Lake Elmo Drive
Billings, MT 59105

Dear Sirs:

Thank you for this opportunity to provide comments on your proposed acquisition of Circle R River Ranch. We have owned the ranch lying immediately west of this land for 45 years. We have several concerns about your purchase and the proposed uses as provided in your Environmental Assessment (EA). All of our concerns relate to the unlimited use of the land by significant numbers of the public 12 months a year. We understand how the property might make sense if it was only open to the public during hunting season. But 12 months of the year of public visitation in the most populous county in Montana seems destined to create extreme fire danger and land and wildlife damage.

Our biggest concern is the tremendous fire danger of having this property open to the public during the summer months. Since 1984, this area has become progressively drier to the point in the last few summers, we have not let any visitors including our relatives on the property during the summer months except in irrigated areas. In the public meeting you indicated that your agency would comply with county restrictions, but did not anticipate full-time staffing during summer months. We and most of other landowners in this area have 24 hour personnel on the property during summer months, limit summer visitation, manage our property more conservatively than the county requires, do not have fireworks issues, and have farm equipment such as loaders immediately available to fight fires. Despite these precautions, each year fires occur and as happened in the Bundy fire in 2006 can rapidly accelerate to major wild fires. Yet your plans do not indicate any fire management plans. In fact your plans to not graze the property increase fire danger as well.

It is not clear to us that you have consulted with the local volunteer fire departments of Worden, Custer, Roundup, and Shepherd which are the only fire fighting resources in this area. These volunteer organizations are already strapped for resources and money and adding significant public visitation in this tinderbox area poses a great risk.

The EA seems cursory and with little specific assessment of the land involved. We feel a more in depth study is needed. We would prefer an EIS, but at least you should come up with a realistic assessment based on a more detailed operating plan. You should also gather input from the

Yellowstone County regarding law enforcement issues and also road maintenance issues with the higher level of traffic you propose and from the local fire departments.

Your EA concludes that your stewardship would enhance wild life and plant habitats. At the same time, you plan to have large numbers of people visiting this area year round. Many of the animal species currently abiding in this area will find significant human interaction unacceptable. So rather than protecting these species you will drive some of them out. If you do purchase the land, we would urge you to get accurate counts of the animal species each year and identify how they fare with much more human interaction and manage the property to assure these species thrive.

Our experience over the last 45 years, has taught us how vulnerable this land is to any type of travel by humans. Your EA does not seem to include soil assessment and how much foot, vehicle, and horseback travel the area can handle without significant plant loss and erosion. Without full-time FWP personnel on-site to prevent off-roading, you will not prevent some people from going off the roads on their vehicles and significantly damaging the land and plants. Unfortunately with the limited rainfall and sandy soils, it takes many years for recovery to occur from such action. It only takes a few off-road excursions to cause significant damage. In addition, we have concerns that the current leafy spurge inhabiting the property will be spread by the public into the adjacent BLM and State Trust lands and onto nearby landowners including our ranch.

The EA mentions many times about protecting this land from subdivision. Subdividing this land is a highly unlikely occurrence due to many existing impediments to subdividing. In addition to State of Montana requirements on size of property breakups, Yellowstone County has many road and other requirements that would make it economically unfeasible to subdivide the property. In this area most of the land on the bluffs overlooking the Yellowstone River is structurally unsound with cave-ins occurring making these locations inappropriate for homes which several unfortunate homeowners learned. Most of these areas also do not have well water available and so houses would have to have cisterns, another negative in subdividing this property. In addition 2 miles of the almost 5 miles of shoreline are already owned by state school trust lands and the BLM and cannot be subdivided. So the subdivision threat is highly unlikely at best. Economically purchasing Circle R River Ranch seems a high cost resource for FWP. It appears the current asking price for this property is significantly higher than current property levels in this area. We also understand that much of this property has all of its oil and mineral rights owned by others also decreasing the market value and making it inconsistent with FWP needs. Also effectively managing and protecting this property so near Billings will take a significant yearly operating budget. If you do proceed with this purchase, we urge you to get local community and landowner involvement to assure that the property is properly managed to minimize wildfires and to avoid erosion, plant and wild life losses.

Sincerely,
Linda Shelhamer, Trustee
Lloyd Shelhamer Revocable Trust
Billings, MT

From: Lee Gustafson
Sent: Wednesday, May 07, 2008 8:11 PM
To: Mule', Ray

LAUREL ROD AND GUN CLUB
P O BOX 986
LAUREL, MT 59044

May 6, 2008

Ray Mule
Montana Fish Wildlife and Parks Region 5 Hq.
2300 Lake Elmo Drive
Billings, MT 59105

RE: Circle R River Ranch Acquisition

We are writing this to strongly support the acquisition of subject property. Hunting, fishing and general recreational access to quality properties, both publicly and privately owned, is becoming harder to find all the time. Although FWP programs such as Block Management have been effective in any cases, they are only temporary solutions. Permanent access solutions such as the Circle R ranch are the answer in the long run.

The reasons spelled out in your EA are all very valid. The conservation and habitat protection are extremely important in an area where subdivision and habitat fragmentation are an eminent threat. However, the additional access provided the public land and water is equally important. Having a over 9000 acres of public land and 5 miles of river front accessible, only a short drive away, is very significant.

We trust you can move expeditiously to finalize this acquisition.

The Laurel Rod and Gun club represents 480 family memberships in both the Laurel and Billings areas. We are highly appreciative of FWP and Region 5 FWP efforts to protect and increase access to public lands, wildlife, and waters.

Sincerely,

For Herb Stoick, President

From: Craig Sharpe
Sent: Monday, May 12, 2008 10:54 AM
To: Mule', Ray
Subject: Circle R River Ranch Acquisition

May 9, 2008

Montana Fish, Wildlife and Parks Region 5 Headquarters
2300 Lake Elmo Drive
Billings, MT 59105

RE: Circle R River Ranch Acquisition

To Whom It May Concern:

Montana Wildlife Federation (MWF), Montana's oldest and largest organization of more than 7,000 hunters, anglers and outdoor enthusiasts, and with 23 affiliate sportsmen clubs across the state, has a substantial stake in the future of our fish and game: diverse landscapes, diverse waters, diverse fisheries, and public hunting and fishing opportunities. MWF has a lengthy history of actively engaging and assisting in wildlife restoration, ensuring public hunting and fishing opportunities, habitat protection and acquisition and management planning for all Montana wildlife.

Montana Wildlife Federation strongly endorses the FWP proposal to purchase the Circle R River Ranch property, including leases, as detailed within the April 2008 Draft Environmental Assessment. MWF, local sportsmen and sportswomen have become increasingly concerned with the rapid losses of wildlife habitat and recreation opportunities in the Billings area due to subdivisions, commercialization, privatization, blocked public access to public lands, exclusive leasing by outfitters, private individuals and hunt clubs.

MWF cannot overstate our strong support for the long-term values and importance of this purchase. The purchase will not only benefit hunters and anglers and the outdoor recreation community by offering new recreational opportunities on the ranch properties but the purchase will also provide public access to adjacent public lands. Public access to the adjacent public land (BLM and state DNRC lands) has been extremely limited, accessible only by boat from the Yellowstone River. These public lands have tremendous wildlife and recreational values important to all Montanans and they should be more easily accessible.

The potential for private hunt clubs, exclusive hunting and ranchette development of the Circle R River Ranch and blocked public land access is alarming to MWF. MWF understands that opportunities to acquire such a large block of land to be maintained in the public estate are becoming fewer and fewer in this area of Montana and therefore, it encourages aggressive FWP negotiations to secure the properties.

Additionally, the purchase will provide protection of open space, scenic areas and habitats vital to the sustainability of a great diversity of wildlife into perpetuity.

The habitats identified within the Draft EA, both riparian and upland, are in need of protection and public ownership will ensure that they will not be developed, fragmented or privatized. Sustaining populations of terrestrial vertebrate species, non-game species, species of concern and populations of mule deer, white-tailed deer, pronghorn, upland birds, waterfowl and migratory elk in the area is within the charge of FWP. The purchase will carry forward this charge to protect and enhance important wildlife habitat and public outdoor opportunities.

Thank you for the opportunity to provide comments in support of the acquisition of the Circle R River Ranch.

Respectfully,

Craig Sharpe,
Executive Director

Jim Olson,
MWF Wildlife Habitat Committee Chair

Craig Sharpe
Executive Director
Montana Wildlife Federation
(800) 517-7256
(406) 458-0227
Official Web-site: www.montanawildlife.com

This message brought to you by Montana's largest statewide wildlife organization of nearly 7,000 conservation minded hunters and anglers with a common mission 'To protect and enhance Montana's public wildlife, lands, waters and fair chase hunting and fishing heritage'.

From: Kirk Marzolf
Sent: Monday, May 19, 2008 3:57 PM
To: Mule', Ray
Subject: Circle R River Ranch Comments

My name is Kirk Marzolf. I have property near the "Circle R ", and am concerned that the EA prepared for the purchase of same is woefully inadequate. It is hard to image that it was prepared without a management plan in place as nearly all the effects of public access to a fragile arid habitat will have to do ultimately with how it is managed. I believe it has been proposed that if at some time in the future campgrounds, latrines, fire rings, and other improvements become part of any management plan that another EA will be prepared. Also, I am guessing that the estimated 1000 recreational days/ year is just that. My point is, that it seems like the current EA was hastily prepared and failed to take into consideration a number of important considerations.

- 1) An arid fragile habitat is not well suited to a large number of public visits. We do not really know how much public use the ranch will see, and undoubtedly that number will change over time as the area grows.
- 2) When you introduce the public to this habitat, increased people bring a significant increase in the risk of fire, and other things incidental to their presence, such as dust, litter, impacts on adjoining property owners, and greater risks of accidents on a county road with a number of blind curves that need to be negotiated to get to the proposed purchase.
- 3) The EA made mention of a completed Phase 1 Environmental, indicating that the property “has been cleaned of debris and old materials”. I am told that was not the case and that it was all simply pushed into a hole, including a house with old composition roofing and possibly asbestos linoleum. Considering that the location is an area with a high water table I would think that the Phase 1 probably would have pointed that out.
- 4) It will be extremely difficult for the adjoining land owners to continue their ranching operations with the public in the area 24/7, impacting their BLM permit ground, and effecting their ability to make a living. There is a potentially large negative economic impact on these owners which is not addressed in the EA.

With all that said, I think that it is important that a full Environmental Impact Statement be prepared pre purchase so that the public, FWP, and other interested parties are assured that they are getting good value, and that the risks and impacts have been properly quantified, and are clearly understood. At present we have an EA that is thin on details and specifics and there is too little good information on which to make a quality purchase decision.

Brandon Carpenter
Shepherd, MT

May 7, 2008

Circle R River Ranch Acquisition
Montana Fish Wildlife & Parks
Region 5 Headquarters
2300 Lake Elmo Dr.
Billings, MT 59105

Dear Mr. Mule',

I am writing in regard to the Environmental Assessment concerning the Circle R River Ranch Acquisition.

While reading the EA, I found a number of items that have been vaguely addressed or were not addressed at all. There are also a couple of items that are misleading.

Let me start by saying I believe this EA is insufficient for the scope of what needs to be addressed. An Environmental Impact Statement is the proper tool to address all the parameters of this land purchase and subsequent planning.

I am in negotiations to purchase property that adjoins the property in question. In visiting with the adjoining landowners surrounding this parcel it seems none have been notified of the public comment period or the proposal at all as of May 6, 2008. None had any knowledge at all of this proposal. This is contrary to what is required in the EA. How can all the adjoining landowners have been neglected of notification as required by your document since a minimum of 14 days prior? Why has this happened? I trust this oversight is not deliberate.

According to your EA the riparian area is void of buildings. What you have not expressed is that the buildings were demolished and buried on site. Are you aware of the disposition of sewer and septic systems on the property when this occurred? What has become of the rest of the infrastructure of the building sites?

This property is not as pristine as your EA leads one to believe. It was severely overgrazed until the last two years.

Public use has the potential to impact this property as much or more than the overgrazing albeit in a different way. One of the issues to address is your claim that this property will allow up to a thousand recreational days a year. With no management plan in place the impact could be enormous. Will the use of motorized vehicles be allowed for each of those thousand days? The impact could equal the BLM area known as Ah-nee north of Shepherd only on a larger scale. I am assuming you know what a monumental problem and subsequent legal and public relations issue that has become.

With regard to the impact on neighboring landowners, you have also minimized that with regard to noise, traffic, trespass, vandalism, litter etc. These are real concerns that need to be addressed adequately in a management plan. Your EA does not spell out ANY management whatsoever; again the need for the EIS.

How will the following bulleted points be addressed?

- Road development & maintenance
- Fencing vs. Open range
- Damage to livestock from traffic
- Fire prevention and subsequent reparations for inevitable fire damage to adjoining properties
- BLM grazing leases and lessee accountability for stewardship with regard to public impact
- Management of rest rotation grazing with disease free herds
- Over hunting of the property as has happened in some block management areas
- Motorized vehicle use or restrictions

- Latrines and trash containment

These are just a few of the concerns I have as a future neighbor. I am sure there are some issues I have not thought about to this point since there has been no dialogue with you at this time.

I want to be clear I am not against the FWP acquiring lands for public use into perpetuity, but here must be sound and sincere management of lands, wildlife and people for sustainable relationships of all involved.

I am happy to entertain any questions or comments from you in this matter. I hope you can enter into dialogue on this matter.

Regards

Brandon Carpenter

Ray Mule
Montana Fish Wildlife & Parks
2300 Lake Elmo Drive
Billings, MT 59105

Re: Comments Circle R Ranch

Sir:

I'm very much against this purchase. I don't feel there has been given enough thought and preparation to this endeavor. You have given the surrounding landowners no consideration. At the meeting last Thursday there were many questions asked and there was no one there that could give a straightforward and knowledgeable answer. The FWP people skirted around the questions asked. I would appreciate the FWP taking some time and addressing these questions. There were all very important.

I can't believe that you would pay 6.25 million dollars for a place that is supposed to be used for agriculture. Our food supply will be just like the oil, we'll have to get it all from foreign countries, if this continues. We'll not have a clue what we're eating!!

Also, at 6.25 million dollars, \$1500 per acre, if there was an interested party that wanted to purchase this land for what it is supposed to be used for, they couldn't. There is no way that they could afford to pay that kind of price. Why wasn't this looked into when it was sold the other time for a little under 2 million?

All I can think about is all the people that are starving, loosing their homes, unemployed and you're going to pay 6.25 million dollars so the sportsmen have a place to hunt, fish and recreate!!!

Maybe you should try to drop the price of the licenses. Anybody that has hunted on our place doesn't just want a good dry doe or dry cow elk. They all want the guys with the big horns and that's all they hunt. May be by dropping the prices of the licenses, the people that really need the meat might be able to by a license.

I believe with all the hunters that supposedly would be on this place, according to the Thursday night meeting, the game will move on to other places where they feel safe and it will be hunted out in a week!

Pease consider all our questions and comments. Especially how you plan to manage everything that was brought up on Thursday night. Fires, weeds, wildlife habitat, dust, parties, poachers, thieves, etc.

We were told this would have no impact on the surrounding property. Last Sunday night two of the neighbors had their mailboxes shot up. This will only get worse, if you're not prepared to patrol this area 24-7!!!!

Sincerely,

Janet G. Talcott

magic city fly fishers
TU Chapter 582
P.O. Box 21693
Billings, MT 59104
info@mcffonline.org
www.mcffonline.org

May 9, 2008

Montana Fish, Wildlife and Parks
Region 5 Headquarters
2300 Lake Elmo Drive
Billings, MT 59105
Attn: Ray Mule'

Re. Circle R River Ranch Acquisition/EA Comments

Following are comments of the Magic City Fly Fishers of Billings, an organization of active anglers in South Central Montana whose interests include fishing, camping, hunting, hiking and other outdoor recreation.

We have reviewed the Environmental Assessment for this proposed property acquisition and find it to be very thorough, and to the best of our knowledge, accurately assesses the proposal from

both the social and environmental perspectives. We fully and enthusiastically support the proposed action.

As frequent users of public lands and access sites in Yellowstone and surrounding counties, we recognize the rapidly increasing demand for outdoor recreation opportunities close to the Billings metropolitan area. This acquisition of a very large parcel of land within 30 miles of Billings, with the added benefit of providing access to over 4,700 acres of additional public lands (BLM and school trust) would go a long ways toward meeting that demand. We are particularly enthused about the variety of opportunities that his block of over 9,000 acres would offer the public; especially the nearly five miles of riparian and river frontage.

We appreciate you agency's pro-active role in expanding outdoor recreation opportunities in our area. Our club would like to be involved with the management plan design and implementation phase if this acquisition comes to fruition. Please keep us advised and thank you for this opportunity for input. Mike Whittington (XXX-XXXX) will serve as out point of contact for this project.

Sincerely,

Chris Fleck, President

Public Lands/Water Access Association, Inc.
Post Office Box 80987 – Billings, MT 59108 – Email: membership@plaaai.org
Website: www.plaaai.org

Supervisor Reg. 5
MT Fish Wildlife and Parks
2300 Lake Elmo Drive
Billings, MT 59105

May 6, 2008

Supervisor Hammond,

The purpose of this letter is to inform you that our organization is in full support of the acquisition of the Circle R Ranch property north of Pompey's Pillar by the Fish Wildlife and Parks. This land would be a valuable addition to accessible land for hunting, fishing and other outdoor recreation around the Billings area where both the population and demand for places to recreate are increasing.

John Gibson
President
PLAAI.

Billings Rod and Gun Club

P.O. Box 33
Billings, MT 59103
406-259-0006

Supervisor Reg. 5
MT Fish Wildlife and Parks
2300 Lake Elmo Drive
Billings, MT 59105

May 6, 2008

Supervisor Hammond,

The purpose of this letter is to inform you that the Billings Rod and Gun Club is in full support of the proposed acquisition of Circle R Ranch property north of Pompey's Pillar by your agency. This land would be a valuable addition to accessible land for hunting, fishing and other outdoor recreation around the Billings area where both the population and demand for places to recreate are increasing.

Irv Wilke
President

Deborah Brilz
Billings, MT
May 16, 2008

Circle R River Ranch Acquisition
Montana Fish, Wildlife & Parks
Region 5 Headquarters
2300 Lake Elmo Drive
Billings, MT 59105

To Whom It May Concern:

The wildlife management area being proposed is bordered by private lands on the north and east. These land resources are protected and managed for farming and ranching values. For over 100 years landowners have persevered to maintain these values, sacrificing each day to overcome increasing threats to livestock and agricultural land.

Personal experience has taught them; much to their dismay, that public access, motorized access and unleashed pets may adversely effect the natural beauty and tranquility of any area and may be imminent threats to livestock and agricultural land. Litter, pollution, destruction of vegetation, harassment of wildlife and trespassing are only a few examples of activities which

cause harm. Constant monitoring, regulating and enforcing would be required to protect landowner resources.

Years of experience make landowners an invaluable resource for the information on impact any proposal would have on adjoining and adjacent lands (i.e. BLM and DNRC). The Proposed Action needs a more comprehensive assessment with landowners concerns respectfully addressed.

Sincerely,

Deborah Brilz

May 16, 2008

Circle R River Ranch Acquisition
Montana Fish, Wildlife & Parks
Region 5 Headquarters
2300 Lake Elmo Drive
Billings, MT 59105

To Whom It May Concern:

The purchase of the Circle R River Ranch properties is also the joining of the areas ranchers which have been in production of cattle, sheep, grain and hay lands for over a hundred years. With this purchase, is also the responsibility of being a good neighbor; to these ranchers and the problems and/or adversities which will arise. To mention a few:

1. How will the dirt, noise, litter, etc. from Bundy-Bozeman road to property lines be handled?
2. Will the existing road from where it enters the Row Ranch need to be fenced off; up to the Circle R Ranch's Road? If this is the case, who will be responsible to do so?
3. There is a concern over what will happen to all the buildings and the residence on the property. If disposal is a question, will it be disposed of correctly?

Sincerely,
Tony Brilz
Billings, MT

Circle R River Ranch Acquisition
Montana Fish, Wildlife & Parks
Region 5 Headquarters
2300 Lake Elmo Drive
Billings, MT 59105

Attention Mr. Mule',

My comments from the May 8, 2008 meeting:

I am Annie Rowe, one of the adjacent landowners to the Circle R River Ranch. The road to this ranch runs through the middle of my place.

We were not notified as to this meeting, read about it in the Yellowstone County News last Sunday, May 4th. We have no mailbox because it's been vandalized three times, so we have to drive to Worden to the post office.

Reading the FWP acquisition, there is a lot of problems not addressed, with the statement 'unlimited public use 24 hours a day, all year.'

These are the issues I'm concerned about: dust, traffic, noise, garbage, fire danger, vandalism, theft, trespassers, keggers, no toilets, fences, roads, people safety, animal safety, open range, four wheelers, no 24-hour patrols for enforcement, no supervision, no penalties noted for violations, and very few restrictions. How and who is going to take care of all these problems? All these problems affect you (FWP), the public, me and the neighbors.

With all these unaddressed problems, I think it is very necessary to have an EIS done, since there is going to be a big impact on this fragile dry land with unlimited public use. The probability of air pollution (dust), noise levels, water pollution and erosion, etc.

Dust from excessive traffic floats over onto the range grass and hay fields; the cows won't eat it and when they walk across the dusty grass, they get dust pneumonia and usually die.

With no toilets, there will be dirty toilet paper hanging on the bushes and sagebrush. I tell the hunters to have a shovel and there is three uses for it; that's one of them.

What is wrong with productive ranches and ranchettes? Is food important?

This acquisition may look good on paper, but we need some common sense consideration of everyone! It appears there is a quick grab and run deal and not enough facts.

I feel the FWP could have had a meeting with all the surrounding landowners and worked out some of these problems before, and not a surprise deal! I realize people can sell their private

land when and to whom they wish; there is a lot of money and problems involved here. It's not a simple ranch sale.

We are requesting a delay date for comments, since no landowners got a written notice in the mail of this meeting. Farmers and rancher are busy with planting and calving at this time of the year. Very few people know where the R Ranch is located or who owns it.

The road (Bozeman Trail) I mentioned in the beginning statement has very little traffic now, and it takes a long time to get washboards. I want to know who's going to maintain Bozeman Trail and Bundy Road.

The dust problem for us at our house, only 150 ft from Bozeman Trail Road, we get the southwest winds. With the increased traffic, there will be lots of dust. That's a health issue for us. How will this be handled?

If one of your guests have a fire get away from them and it burns into the neighbors', who is libel?

5-15-08 Other Comments on Circle R River Ranch

The fire danges on the north side of the Yellowstone River is a big concern for all the ranchers. We've had two big fires in the last few years. Keggers are a problem out here. There's usually a fire for light and, with limited patrols on the Circle R, this can increase fire dangers. Talking with our Worden Fire Chief, he is concerned that with so many people in one area there could be a fire problem, the delay time to respond, limited funds and equipment, etc. Who is libel for FWP visitors if a fire gets out of control and burns neighboring lands?

It was stated FWP may, in the future, have cattle grazing on the Circle R. A neighbor of ours brought in some cows with Trichlomoniasis (a cattle venereal disease) that caused a big concern for all neighboring ranchers. There must be careful planning in situations like this to have disease-free herds.

Our house is located on a hill on Bozeman Trail. The hill slopes, has water seepage along it. We feel this is part of our water supply. We are worried about losing our house well from vibrations from the constant traffic. We lost all the water in a well after the big Yellowstone Park earthquake.

It is hard for me to understand this. The FWP has a high fenced locked yard around all their equipment and vehicles, but we are expected to leave our equipment to the honesty of the public.

On the Circle R Ranch there was a house, bunk house, barn, corrals, new metal shop, Quonset, septic tank, cistern, and a well. The original house was built in 1915. In around 2003, Loffler (the previous owner) built an addition onto the old house—a nice two bedroom, one bath, and a large family room. The old part of the house had linoleum floors (possible asbestos), old types of insulation such as Zonolite, probably lead type pains, old asphalt shingles and other

building materials. My understanding is that all the buildings and etc. were dozed and buried at the site. Since the site is close to the Yellowstone River, which is a high water table area (possible ground and water pollution), was all this debris disposed of properly? The FWP acquisition states on page 9, "The property has been cleared of debris and old materials and has passed a Phase I Hazmat inspection." No mention of where these old materials are.

The land where the Circle R is located is arid, fragile dry land. With unlimited public use (24/7) it will have a huge impact on the land, vegetation, animals and the habitat, the dust (air pollution), noise levels, water pollution, erosion, etc. I think it is very necessary to have an EIS done, since all the above-mentioned will have a big impact on the fragile dry land and its inhabitants.

It was stated in the acquisition the exterior fences are in good condition. I would say at best the bordering fences are poor to fair, except the two miles of new fence we put in after the fire.

I am in opposition of the FWP buying the Circle R Ranch for the reasons I have stated in this comment statement. There probably will be more unforeseen problems in the future.

I don't think there is enough planning for all concerned with the vague FWP management plan.

This sale would also have an enormous impact on us as adjacent landowners, with our way of life and our means of making a living. Our ranch is a 95-year-old family-owned productive ranch.

Adjacent landowner,

Annie Rowe

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Yellowstone County, Montana

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CAMA Detail

Disclaimer: Not all fields are currently maintained. The accuracy of the data is not guaranteed. Please notify the Appraisal/Assessment Office (406-896-4000) of any inaccuracies. CAMA(Computer Assisted Mass Appraisal) data was last updated 09/14/01.

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Owner(s): LOFFLER, JEFFREY & KIM
Tax ID: D09132
Geo Code: 03-1235-23-1-01-01-0000
Property Address: BOZEMAN TRAIL 59088
Legal Description: LOTS 6 TO 9 IRRIG 48 GRAZING133 .32 23 3N
Property Type: Farmstead-Rural
Code:
Property: Dwelling
Indicator Code:

Levy District:	1982	Municipal Code:	XXX
Neighborhood Code:	1	ECF	130%
Utilities:	Well Septic	Access:	Dirt Road
Lot Size:	181.320 Acres	Topology:	Rolling Ag/Timber Land

Year Built:	1915	Lot Improve:	Dwelling
Year Remodel:	N/A	Effective Year:	N/A
Style:	Ranch	Exterior:	Frame - Wood Side/Sheath
Story Height:	1.0	Condition:	Average
Roof Type:	Gable	Roof Material:	Asphalt Shingle
Foundation:	Concrete	Basement:	Full
Heating:	Central	Grade:	3+
Heating Type:	Coal / Gravity Air	CDU:	FR
Percent Complete:	100		

Bedrooms:	3	Full Baths:	1	
Family Rooms:	0	Half Baths:	0	Addl
			Fixtr:	2
1st Floor:	1,014 SQ FT	Total	05	
		Fixtures:		
2nd Floor:	N/A	Bsmt Fnsh:		
Basement:	492 SQ FT	Heated Flr:	N/A	



2110 Overland Ave. Suite 122

Ph. (406) 259-6666

Billings, Montana 59102

Fax (406) 259-2133

WWW.ROCKYMTNRANCH.COM

ELK MEADOWS RANCH - New Listing

First time offered in over 50 years!! 10,000 acres in one block with no public access located in one of Montana's reputation trophy elk areas. 6,800 deeded with 600 acres of hayground and 285 acres of CRP. 2,240 acres private BLM, 640 State and 640 acres of private lease. Mule deer, antelope and turkey throughout the ranch. Timber and grasslands with water in every section. Historically running over 400 AU's. Leaseback possible. Only 1 hour from Billings. \$2,350,000. Cash.

**GREAT MONTANA COW COUNTRY RANCHES**

Two excellent hardgrass ranches with low operating costs. Both ranches have trophy mule deer, antelope and upland game birds.

The Brackett Creek Ranch is 30,000 acres (14,000 Deeded) in one block and runs over 650 cows year round. Priced at \$2,500,000. Cash.



The T-Rex Ranch is over 21,000 acres (13,000 Deeded) and runs over 500 cows year round. Includes 200 acres of CRP. \$2,666,000. Cash.

PILLAR RANCH

View Pompey's Pillar from several spectacular vantage points on this property located less than 30 miles from Billings - where the deer and antelope play - in your back yard. Wander over 5,000+ acres. Float along four miles of Yellowstone River frontage bordering to the south. Get water from the river as well as numerous springs and wells. Live comfortably in 2,700 sq. ft. home with barn, shed, and quonset buildings on 20-acre homesite. \$2,500,000.

**CONSERVATION RESERVE GAME RANCH**

960 acres with Musselshell River frontage. 530 acres in CRP. The balance is timber valleys and river bottom. Great access for home or weekend getaway. Snowy Mountain views and a large deer herd at no extra charge. Pheasants and wild turkeys are plentiful. \$425,000.

**YELLOWSTONE RIVER HUNTING**

200 acres provide a perfect habitat for geese, ducks, pheasants, turkey, and whitetail deer. Yellowstone River and Greasewood Creek border two sides. 150 acres are flood irrigated crop ground, remainder in Cottonwood trees, brush bottoms, and sloughs. Could be developed into complete wildlife unit. \$250,000.



page 11

WORKING
RANCHESWorking
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Pillar Ranch

Look east and view Pompey's Pillar from several spectacular vantage points on this property located less than 30 miles from Billings ~ where the deer and antelope play in your back yard.

Wander over 5,000+ acres. Float along the 4 1/2 miles of Yellowstone River frontage that border to the south. Watch the abundant wildlife: deer, antelope, game birds, and prairie dogs.

Get water from the river as well as numerous springs and wells.

Live comfortably in the 2,700 sq. ft. house with a barn, new 36x48 shop, shed, and quonset buildings on a 20-acre homesite.

Just listed at \$2,500,000

Photo Album

William and Annie Rowe
Worden, MT

Circle R River Ranch Acquisition
Montana Fish, Wildlife and Parks
Region 5 Headquarters
2300 Lake Elmo Drive
Billings, MT 59105

Dear Mr. Mule'

We are writing our comments in regard to the Environmental Assessment of the Circle R River Ranch by the Montana Fish, Wildlife and Parks. We are senior tax-paying citizens of the treasure state and run our cattle on our ranch, which borders on the north side of the Yellowstone River, surrounds the Circle R River Ranch, and is bordered on the west by our BLM lease.

We did not receive any notification nor any written information (e.g. Draft Environmental Assessment, EA) from FWP, nor have our neighbors who are surrounding landowners. On page 16 of the draft EA, Section VII, 1) Public Involvement "Direct mailing to adjacent landowners and interested parties" would be notified. Also, Section VII, 2) "written comments will be accepted until 5:00 p.m., May 12, 2008 to Montana FWP Region 5 headquarters at 2300 Lake Elmo Drive in Billings." How did this happen when it was written on page 16 of the draft EA all of us were to receive this.

The importance of this information should have been hand-delivered to our homes and briefed us on the proposal. A phone call to let us know that registered mail is being sent and to be sure that each of us were notified.

We do not get the Billings Gazette because we have not been able to maintain a mailbox at the postal site on Bundy Road and Bozeman Trail. We have had three mailboxes which have been vandalized, shot or stolen. We are in the midst of our calving season, springtime preparations, and pumping water for our cattle, and filling large storage tanks to readily supplement the firefighters' needs. A friend enroute to help us stopped at the Worden post office on May 4 and brought us our mail, which included our copy of the Yellowstone County Newspaper (YCN), May 2, 2008. The YCN article on page one (1) stated that a public information meeting on FWP proposed purchase of the Circle R River Ranch (® River Ranch) would be at 7:00 p.m., Thursday, May 8. The public hearing to be held at the FWP offices on Lake Elmo Drive in Billings. This again was a short notice and FWP should have taken more care to inform the surrounding landowners.

Each person stated their name, followed by their comment. The comments were transcribed and orally recorded for the official log. I felt the oral comments session was closed too soon. I wanted to put on the public record the impacts on our welfare, our ranching operations, health, personal security, property security, fences, road problems, law enforcement,

soil contamination, cattle health and safety, our ranching business, range fires, vandalism and theft, trespassers, increased noise levels, pollution of our water table at our house, loss of our water supply due to increased heavy traffic on the road near our home, and other unforeseen future problems.

FIRE

The region has had a drought for the past 8 years and the outlook for 2008 is bleak and threatening. Fires have and are being fought now. We talked with the Worden Volunteer Fire Department. Fire Chief Lance Taylor shared problems and concerns they have. Some of these are:

1. They have already been fighting fires and are short of funds at this early point.
2. They need to repair or replace equipment. The time to get out here is forty minutes to one hour.
3. Road congestion to fire sites with increased vehicle traffic and people in the area.
4. Potential to have more fires with the larger number of visitors to picnic areas and the campsites. A public safety concern if the fires got out of control and required ambulance services or other action.
5. The Ballek Fire in 2005 was on our ranch and Loffler's Ranch (now known as Circle R River Ranch, and is now owned by the Morse family of Florida). Fire burned more than 2200 acres of which about 1800 acres was devastated on our ranch. Recovery efforts in the aftermath have and will continue to restore and return the burned areas to a usable pristine norm.
6. In 2006, about 2 miles north of us, the Bundy-Railroad Fire burned from the northeast side and went south, jumped the Yellowstone River threatening the town of Custer, and continued to a few miles north of Hardin, Montana. This fire burned in excess of one hundred thousand (100,000) acres. The devastation impacted ranches, citizens in Custer and Hardin, and others too numerous to mention.
7. In 2007, multiple fires to the west burned several thousand acres and threatened towns like Columbus, Big Timber, Livingston and others.
8. Our activities and preparations include:
 - Pump water for our cattle pasture.
 - Pump water at all tanks to have at the ready to support firefighters so as to reduce travel distances for water to replenish needs, and to inform them of these various tank locations.
 - We mow the two-track roads and mow turnaround and parking sites.
 - Pumping tank sites have stationary engines and fuel left there for them.
 - Windmill is ready and can be activated. We restrict our number and times of travel and vehicle use, use different routes dependent on conditions daily, and watch and listen to weather forecasts, and share our concerns with our neighbors. Our guard is at high levels of defensive and offensive readiness.
9. The imminent threat of fire(s) is a year-round condition as evidenced by early spring wildfires.

Controlled burns escape the planned perimeters and result in major burning of grassland, trees and homes. Potential for vast losses to habitat, wildlife, possible human life, and injury exists. The air quality is reduced seriously by smoke, wind carried particulate and other debris, and litter and chemicals that are in the path of the fire. We, our neighbors, our livestock and wildlife would be seriously harmed or injured under these conditions. The loss of grass, hay and habitat would impact our cattle operation and future.

In the EA (page 9), the area would be managed for unlimited public use. Also stated, FWP anticipates a thousand (1,000) recreation days annually to the area. Plans for campsites, latrines and fire pits are in the future. At the public meeting May 8 the FWP personnel were asked, "If a public visitor to the FWP campground started a fire, either accidentally or purposely, and the fire burned surrounding area ranches as a result due to negligence of a guest using the facilities?" The answer was vague. However, they were asked if the FWP would pay for ranchers' losses as a result of their visitors initiating the fire. This should have been addressed by FWP and a means for reparations for ranchers' losses.

The Emerald Hills Fire and other fires in the area surrounding Billings are examples where fires got out of control, and property damage, loss of structures and personal injuries are addressed after the incidents. FWP needs to inform the public, surrounding communities, landowner ranchers, fire departments and all other interested parties so the risk of impacts are clearly understood before proceeding with the purchase.

WATER WELL AT OUR HOUSE ON BOZEMAN TRAIL

Household and Livestock – Well and Water Supply

The county road in from Bundy on Bozeman Trail has blind curves, and passes our home about 150 feet away on the south. It continues uphill westward to a locked gate (locked by Circle R River Ranch) and on the west side of this gate about 50 yards in, the road forks. The right northern route is used regularly in conducting our ranch business. The other left southern route goes down to the old farmstead which was located in the bottomland and is the proposed road described in the EA.

On the way in on Bozeman Trail, about 70 yards east of our house, there is a sharp left curve; the road is straight for 40 yards has a sharper right curve and then uphill about 60 yards to the entrance gateway on the right side of the road and on into our house. We refer to this as the "S" curve.

At the first sharp left curve of the "S" curve a culvert is located there to drain water. In the 1920's or 1930's, the structure covered and encased the drainage pipe under the road curve. Fitted hard rock was fit closely and brought up to form a flat road surface. The structure face is a mosaic similar to the manner in which hand-dug wells with holes 6 to 8 ft. diameters were lined with local hard rock all the way up the well. The process and results would be analogous to brick laying, but in the homesteader fashion. These structures are strong and durable and have stood the test of time. When outer layers of weatherized rocks are impacted by gravel or road boulders

falling off the edge onto the slanted rock mosaic face of the structure, chips are broken out and new areas of non-weatherized rock are exposed. The result is the degradation of the face and ultimately the reduction of the structure and the function it serves on that left turning road curve coming on the Bozeman Trail, about 70 yards east of our home. Slow moving, infrequent trips of trucks loaded with 20-30 tons of hay, cattle, pipe or other heavy materials have traveled without causing any harm. More noticeably is the effect of cars, trucks and trailers as is evidenced by division and distribution of small and large pieces of gravel and stones that correlates to tire tracks and wheel base. This also generates washboard conditions and ruts. We have preserved this historic structure for durability and function. It also is incorporated and related to our water at our house for domestic and livestock use.

In 1947, the first well was drilled, pumped and verified. In 1948, the house was built slightly to the north of the well. Water was pumped using a pump jack, or manually with a handle. In 1958, the casing collapsed and a new well was drilled and verified on the west side of the house. Water was pumped with a Jensen Jack. In 2002, a pipe leaked and a submersible pump was installed and is still in use. This well was 233 ft but is now 200 ft now due to siltation. North side water is precious. When others were losing their wells, another well to the east of the house was drilled, hoping to tap into a vein—a 201 ft dry hole. The water table is such that between the ess ("S") curves the hillside weeps on the west side of the road. This evidence of spring-like water table activity generates extreme needs to protect our water source. To cut into the hillside with a road grader, excess traffic vibrations or unbalanced loads could disturb natural conditions. The disturbance could vent, plug or cause unseen underground alterations to form with resulting loss of our well. The well has continued to serve our needs for over 60 years. Excessive road travel (traffic) could lead to future failure of our water source. A costly unknown potential exists. This is an arid, fragile, fragmented land, and nature rules.

On Monday morning, April 21, 2008, County Commissioner, John Ostlund, and Tim Miller came out here at our request to view our concerns on the water well problems and the proximity to the county road. It was agreed to stop construction on Bozeman Trail about a hundred (100) yards south of the cattle guard. This way the integrity of our house water supply would be protected. We feel this is extremely vital to our health and welfare.

FENCES

In the current EA (page 9), "Exterior fencing is in good condition." This statement is not shared. A closer examination of the eight and one-half miles (8½) of exterior fence is poor to fair. Except for the two (2) miles we bought and installed after the fire in 2005.

This fire burned fences, trees and grasslands in excess of 2200 acres on our property and the adjoining Loffler Ranch, now known as the Circle R River Ranch. Our losses were in excess of 1800 acres.

Also, on the west boundary of Circle R River Ranch, a fence runs from the Yellowstone River northward up through a rough steep canyon for about two (2) miles, to the northwest corner of the Circle R River Ranch. This fence borders the BLM lands to the west. We have a

BLM lease and run cattle on the west side of this fence on the BLM lands. Loffler, the previous owner, and now the current owner, Circle R River Ranch, maintains this fence. BLM policy is to fence out from BLM lands.

RANCH BULDINGS OLD VAN HOUTEN & LOFFLER

Historically, the original house was built by the VanHouten family in 1915 on the farmstead. As was customary with the times, part of another was integrated and attached to the original to increase the floor space. This was done, I was told, in about 2003. Loffler, the previous owner, built a new addition onto the older house(s). Loffler added two (2) nice bedrooms, one bath, a family room and a high loft A-frame. Loffler then sold to Morse, owner of the Circle R River Ranch. In the summer of 2006, a friend was offered the house but had to get it off of the site. I was approached and asked about moving it through our place. We found a route to move the house but the schedule was tight and the movers could not move it in time.

I was informed that a large pit was dug and the house and all the materials were pushed into the pit and buried at the site. On page nine (9) the environmental acquisition states, "The property has been cleaned of debris and old materials and has passed a Phase 1 Hazmat Inspection."

The older sections of the house had gray slate-like siding, old type asphalt shingles, possible Zonolite-type wall insulation, and possibly asbestos linoleum (which a former renter had covered with a rug at her expense). These materials are known to contain asbestos. Were these materials identified, packaged and properly disposed of at the county landfill? Do landfill records show receiving these potentially asbestos materials? If not, where are they?

The house was located in a high water table and at times has flooded. Why didn't Hazmat I records indicate this?

Corrals, barn, shops, Quonset and small sheds were also leveled and possibly buried with the house materials. Also, lead paint was widely used in earlier years, fuel tanks and anti-freeze were typically used. The question is, when and how was the Phase I Hazmat inspection conducted?

This was a working ranch until Loffler (former owner) sold it about two (2) years ago to the current owners who continued with agriculture leases. The irrigated land was planted and barley hay was baled by a local farmer. Another local rancher leased the grazing rights and ran about 135 heifers on the Circle R River Ranch. The inherent agricultural value of this ranch continues.

We are concerned the EA is insufficient and vague. The management plan fails to address surrounding property owners' concerns, even though there are issues that are extremely important to the neighboring ranchers and especially us. Impacts to us and our neighbors are numerous and varied. Our cattle operation is open range. Bozeman Trail goes through our property for more than one-and-one-half miles to the entrance of the Circle R River Ranch.

Past and probable troubles or issues are:

Trash, litter, garbage, debris, etc.
Cattle health, safety and welfare
Cattle injury, hazing and the like
Increased vehicle traffic, exhaust fumes, etc.
Auto fluid spills – anti-freeze, brake fluid, etc.
Contamination of water, wells and tanks
Traffic noise 24/7, parties, keggers, fireworks
Fire: Grass, hay, corral, structures, etc.
Threats, personal harassment and safety
Vandalism – Tractors, trucks, equipment, etc.
Transport of weeds to hay meadow by cars
Vehicle accidents and breakdowns
Trespassers to house, shops, etc.
Disruption of various ranch tasks and activities

Sheriff, fire and emergency services are distantly located in the area. These are problems addressed to our private property.

We feel the prepared EA for the Circle R River Ranch acquisition is not sufficient and is vague. The EA appears not to have a complete management plan to address issues and impacts of public access to the arid fragile lands and habitats in this area. The EA states future campsites, fire pits, toilets or other additional improvements will be considered in subsequent EA's.

The EA fails to evaluate a number of important factors:

- 1) Unlimited public use and the estimated 1,000 recreation days/year is an estimate. With population growth this will likely increase visits. As such, risks of fire, garbage, litter, vandalism, theft, vehicle accidents, livestock incidents, and numerous other impacts on adjoining property owners will increase. Personal and property security would be endangered with these levels of exposure.
- 2) On page nine (9), "The property has been cleaned of debris and old materials and has a Phase I Hazmat Inspection." This is a request to get a more thorough analysis of hazardous materials. Our comments are addressed on pages 13 and 14 (of written comments).
- 3) Also, on page nine (9) in "4. Current and potential recreational opportunities:" The EA states and I quote, "The proximity of this area to Billings, relatively good road access (a maintained county road to the property boundary), and a variety of habitats and terrain features make this. . . .". This continues to later state, "The area will be managed for unlimited public use, . . . up to a thousand recreation days annually on this property."

The county road is Bozeman Trail and from Bundy to the property boundary is a little over two (2) miles. One and three quarter ($1\frac{3}{4}$) miles winds through our ranch and is an open range operation. With a 24/7 (hours/days) public access the problems we would face are unfathomable.

This public access, the traffic and the exposure to numerous possible incidents does not bode well for us, our cattle ranch, and our ability to continue to earn a living in a safe and secure manner. The threat is ominous and real.

- 4) On page 14, b) Land use: The discussion continues and states, "Under the proposed action the area will be maintained as a natural area with increased public access. The property would be managed for fish and wildlife habitat in perpetuity, which should have no impact to surrounding land uses or residences."

This fails to address us, surrounding ranchers and neighbors, and all other interested empathetic parties of our plight to continue our lives in a safe secure manner. Respect for our concerns is shared by the majority of the public and includes families, sportsmen, law officers, firemen and other like individual citizens and groups.

All of us revile the thieves, vandals and criminals that endanger our lives, inflict bodily harm and damage property, equipment and other belongings. These events are evidenced publicly in local newspapers and on radio and television newscasts of the police, sheriff and fire departments. Again, the dastardly actions of these few criminals who are embedded in our society is the small group that we fear, and the public understands and shares this fear.

We live on Bozeman Trail (a county road) about one-and-one-half ($1\frac{1}{2}$) miles west of Bundy Road. Our home is located at the top of a hill on the right north side of Bozeman Trail, about one hundred fifty (150) ft away. Shops, other structures, equipment and various ranch-related items are nearby and at outlying locations, like the corral and hayfield to the east. Bozeman Trail winds through our property for one-and-three-quarter ($1\frac{3}{4}$) miles, and continues uphill to the west to the gate and entrance to the Circle R River Ranch.

Traffic has been low to moderate and varies with weather conditions and seasonal activities. Most of the time we know who it is, but only if we happen to be here. Most of the time we are out.

A few harmful occurrences are listed:

- Three (3) calves missing
- Pumps, parts and gas stolen
- Fencing equipment missing
- 5 hp Briggs Stratton engines damaged
- Pix-windmill in our BLM vandalized and 83 bullet holes

With the projected increased traffic and people (including the embedded criminal few) having unlimited access at all hours will expose our properties to: extreme risks; the freedom needed to conduct our ranching business severely impaired; and our personal security and welfare would be immeasurably altered in perpetuity.

We think that it is necessary and important that a full Environmental Impact Statement be prepared so the public, FWP, surrounding landowners and all interested parties are assured that an analysis has been done, and that all the risks and impacts have been identified and evaluated and clearly understood by all.

The current EA for the Circle R river Ranch acquisition is not sufficient. It is vague and lacks details. Furthermore, it minimizes or fails to address impacts to adjoining lands and landowner issues and problems.

We are Bill and Annie Rowe. Our ranch and our BLM lease encircles the Circle R River Ranch. Our ranch has been family-owned and productive for ninety-five (95) years. Also, the presently-owned "Circle R" was homesteaded in 1915, operated as a productive ranch through the years. The inherent agricultural values of both ranches continue to function in this arid fragile region (including the last nine (9) years of drought and wildfires in 2005 and 2006).

With careful management we have coexisted with the habitat and the wildlife. Our production has contributed to the nation's welfare. With food shortages, rising food costs and escalating fuel prices we must manage and provide solutions so we can continue our cattle operation.

America's first line of preservation of the lands and their use is the American farmers and ranchers, like us. Our economic survival depends on treating all of nature's resources with kind ungloved hands.

We implore everyone to reasonably consider our objections and unfortunate predicament with due respect for our future and the future of our ninety-five (95) year-old family-owned ranch (homesteaded in 1913).

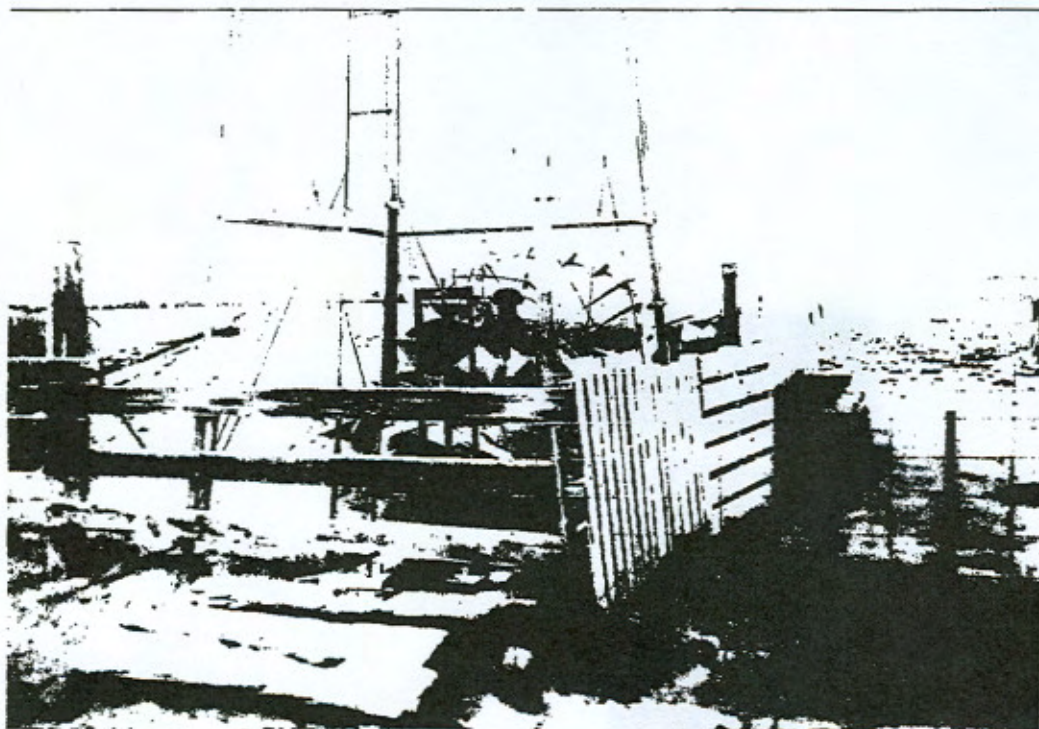
We would welcome a closer review of issues and the problems we have presented in our comments, a chance to physically view the conditions, understand limits that change and force or constrain our means to continue ranching, and grasp a clearer idea of our operations.

The Bozeman Trail (county road) winds through our hayfield, corral, bull pasture, horse pasture, winter pasture, calving grounds, across domestic and livestock water spring well sources, hay storage yards farm equipment (off-road storage open) and goes in front of our home one hundred fifty feet (150 ft) away on the south side of the house and continues on up the hill for about one-third (1/3) of a mile, to the gate that is the entrance to the Circle R River Ranch. Also, at our house and in the surrounding vicinity, there are shops, garages, and other outbuildings. The Bozeman Trail is hilly and has sharp curves with restricted views. Furthermore, about ninety percent (90%) is through property which is open range and is fundamental to our cattle business.

The unlimited public access, at all hours throughout the year, with increased vehicle traffic, noise and many other disturbances is not the environment needed for raising cattle. We are in a very vulnerable position.

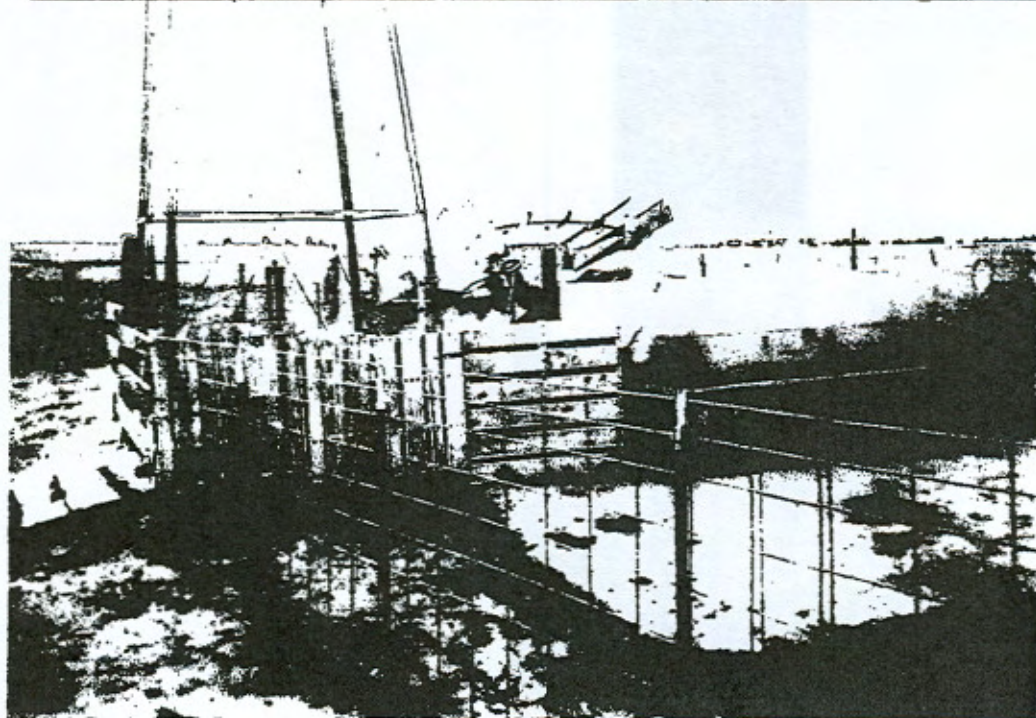
Enclosures listed six (6):

Page 25	Vandalized windmill on BLM Section 6
Page 26	Outpost article: "Thrillcraft" (w/picture)
Page 27	"Thrillcraft" article continued
Page 28	Billings Outpost – Letters to the Editor, page 7, "Beef on Every Plate" Dennis McDonald, Melville MT
Page 29	AgriNews Ad – Cattlemen Feed the Needy, Page 13, "Desperately Needed!" Levi Britton, Laurel MT
Page 30	Picture of Annie's parents' gravesite on our ranch



LOOKING NORTH

WINDMILL VANDALIZED IN BLM SEC 6



LOOKING WEST

25
 ~83 Bullet
 holes in the
 blades.

GEAR CASE
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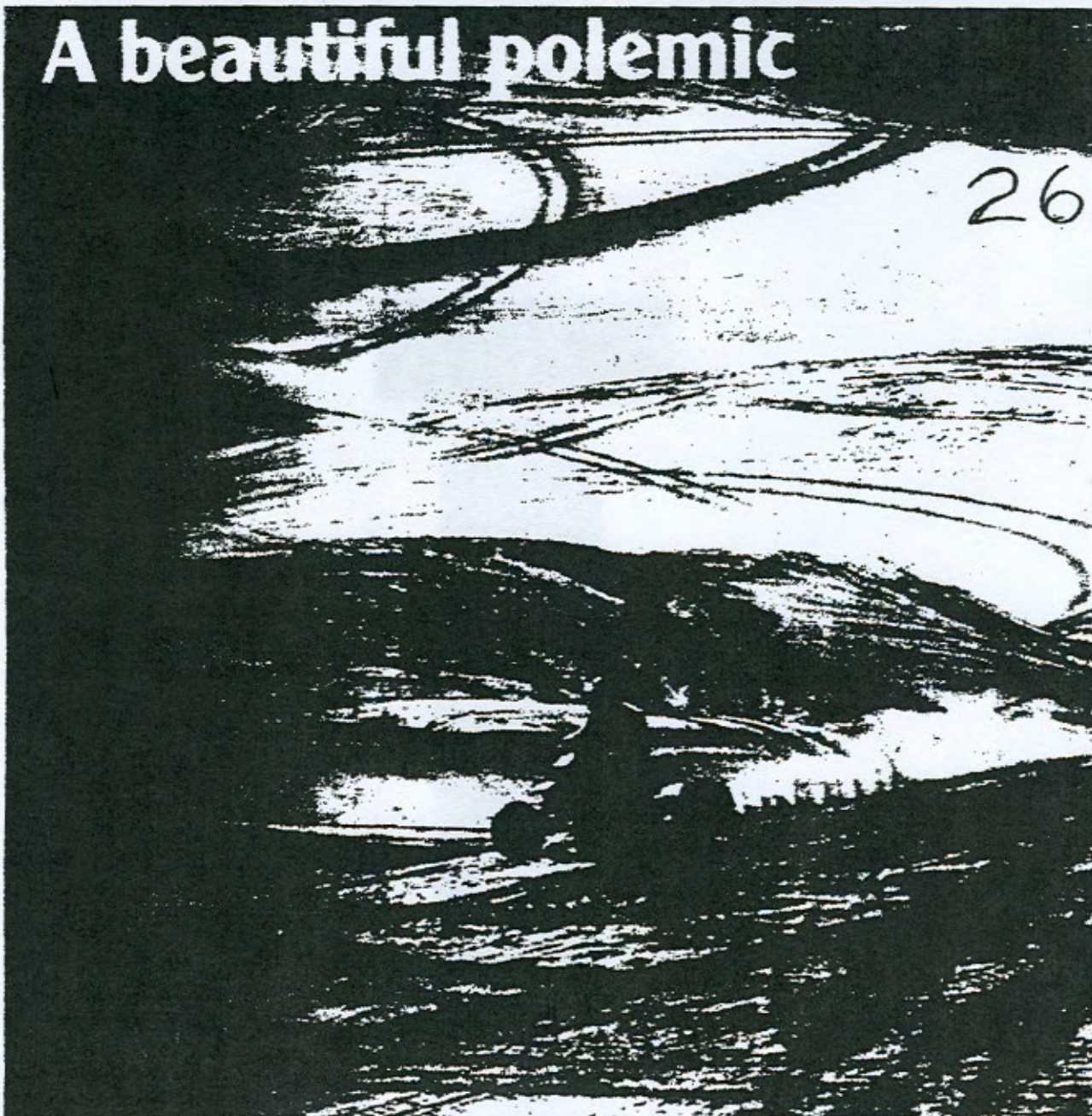
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 AND RANCHING
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 SUMMER.

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 CURRENTLY USED.
 IN THE PAST
 THE ENGINES
 HAVE BEEN SHOT
 OR DAMAGED.

BILL & ANNIE
 ROWE

A beautiful polemic

26



"Thrillcraft" bristles with photographs of off-road riders creating roads where roads were never meant to be.

Thrillcraft' attacks motorized recreation

By T.J. GILLES
For The Outpost

Make no mistake about it. This coffee-table book is what we used to call propaganda but now refer to as the more legitimate "public relations."

And good PR it is. Lush, well-produced, thoughtfully written, "Thrillcraft" nonetheless has a mission: To control the use of off-road vehicles (ORVs) and all-terrain vehicles (ATVs) on public lands.

Edited, put together and photo-

BOOK REVIEW

graphed mainly by George Wuerthner, the book is subtitled "The Environmental Consequences of Motorized Recreation." And, according to its many authors, including not only Wuerthner but other Montanans such as University of Montana economics Professor Tom Power and Northwest Montana author Rick Bass, the consequences are pretty much bad.

With double-truck spreads of dirt-bikers spinning their wheels at a rally in desert sands and headlines such as "Stopping Eco-Terrorism on Our American Soil," this is a book with a message: The motorheads are out of control.

"Motorized recreation, almost by definition, is equipment intensive," writes Dr. Power, and thus dominated by higher-income citizens with fleets of equipment

(Continued on Page 11)

BILL & ANNIE ROWE

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'Thrillcraft': 'a major breakdown in attitudes' 27

(Continued from Page 1)

to transport the equipment, or second homes to store the toys in. Well organized and with well-backed lobbyists, outdoors motorizers often refer to hikers and other traditional public-lands users as "elitists."

At a U.S. House subcommittee hearing last month, retired forest ranger Jack Graves said ORV abuses of nature and fellow public lands users is "getting worse, and there's no end in sight."

Mr. Graves described the ORV problem of illegally expanding trails, uncorrectable erosion and other ills as not the product of "a few bad apples."

"We are suffering from a major breakdown in attitudes from, sadly, a high percentage of off-roaders" who ignore restrictions, he said.

"Thrillcraft" illustrates the different value systems that govern hikers, hunters, birders and conservationists while contending that motorized off-roaders seem to be ungovernable without severe supervision and penalties.

At the hearing, a Bureau of Land Management spokesman said that about one-fourth of the U.S. population lives within 25 miles of BLM recreational land. The phenomenal growth of all-terrain vehicles, dirt bikes and other internal-combustion conveyances has devastated many fragile – and formerly pristine – desert, forest or semiarid areas in the West.

Mr. Wuerthner, a Montana State University graduate in range science, has nearly three dozen books to his credit: Many state travel books, pictorial guides to parks and mountains or deserts, and a few provocative titles about what's go-

ing on in the West.

In addition to polemical headlines and chapter titles, the 278-page book uses thoughtful, well-written (and long) philosophical essays and scientific treatises to do the intellectualizing of traditional recreationists' points of views.

The pictures do most of the persuading.

Although better produced and all in color, they remind me of propaganda of the early 1970s, when Montana and other Northern Plains states were to become a "national sacrifice area" of strip-mined, non-reclaimed, polluting, lawless coal

mines.

Those seeking to curb such development brought forth speakers from Appalachia and photographs of what happened (and, frankly, continues to happen) in that impoverished and polluted coal country. This and grassroots activism led to the state Legislature passing some of the toughest and most precise mining reclamation laws in the world.

The pictures in "Thrillcraft" – some so ugly they have their own aesthetic beauty – carry on that tradition of opting for nature over mindless, blind consumption and loud arrogance.

\$5 Match Play **EASY MONEY Coupon!**
With this coupon!
Limit one coupon per player per day.

Blazes
CASINO

Outpost

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I-TRAC players
get something fun every day!
Prize drawings, double point days,
progressive match play...
Holiday Gas Station is our co-host for
a \$50 gas card drawing this month!



**Need help stretching
your advertising dollar?**

BILL & ANNIE
ROWE

BILL AND ANNIE ROWE

MONTANA IS LOSING 250 RANCHERS/YEARLY

The Billings Outpost

January 31, 2008

LETTERS TO THE EDITOR

Ladies, gentlemen for president

To candidates:

Please show us what YOU are going to do for us if you are elected president of the United States. Show us your support of your constituents in the Senate and Congress who are willing to go on the record to support you and actually get something done as president. Without them you can hardly get "anything" done without their support and votes.

Forget the "I will hit the ground running," forget the "I am the candidate for change," forget the "I will bring back the jobs." Let's get serious here, candidates. Unless any of you people can bring about change of any kind, you'll need to have the support of the Congress to bring about change.

Forget that either party can change the way that we teach our young to bring about change in the way we do business. Forget that without them we can hope to keep our homes, our fuel supplies and our hope of improving the great American lifestyles that we have worked so hard to earn. We are on the verge on losing not only our lifestyles; we are at risk of losing the success that everyone has strived to attain.

Forget that we will take care of our veterans; forget that we will be able to send our kids on to higher education.

The ONLY poll is the one that shows who in Congress will support YOU as our president.

Please hear US!

Michael Erickson
Billings

Beef on Every Plate

Montana has 47,000 families who often go to bed hungry. There are 314,000 Montanans, from infants to the elderly, who often are malnourished. Ten percent of Montanans over 60 are hungry and approximately 45 percent of the hungry live in rural Montana. This state of affairs is unacceptable and unless more is done the problem may worsen.

Presently, the economy seems to be heading toward recession, foreclosures are at an all-time high, unemployment is

rising, fuel costs are at historical highs, the inflation index for the month of December is at a one month all-time high, and the trade deficit for 2007 will be \$800 billion.

Since 1998, 3.3 million jobs nationwide have been outsourced. What this means to ordinary hard-working Montanans is tougher times for all.

However, as always, these circumstances hit the poor, Montanans on a fixed income, the elderly, and the disadvantaged disproportionately hard. Food costs will rise while for many Montanans their ability to afford marginal nutrition will decline.

Presently our state's poverty rate is nearly 15 percent of our population. Further, the U.S. Department of Agriculture reports that nearly 309,000 Montanans live at or below the poverty level. As a consequence, and despite the wonderful job Montana's Food Bank, church charities and others have done, over 15 percent of our families had their children skip meals because there simply wasn't enough food available in their households.

Until very recently food has been cheap, while farming and ranching has been in decline. In Montana, we've been losing 250 ranchers annually. Nevertheless, from 1974 to 2005 food prices on world markets fell by three-quarters. This dynamic ended in 2006, and 2007 saw dramatic increases in basic food costs. Grain prices, some might say, have skyrocketed, though I would suggest they are exactly where they should be to keep our farmers in business, invigorate rural communities, and allow our children to remain on the farm and ranch.

So higher priced food will do both enormous good and substantial harm. Household budgets for many will be stressed as parents strive to feed their families. Food is, or will soon become, the most expensive item in their household budgets. Rising prices will benefit farmers and agriculture communities by increasing the rewards of our labor; in many poor rural communities it will boost the most important source of jobs and economic growth.

If government fails to recognize the

imbalance I've described, the poor will suffer disproportionately, but in the end we will all suffer. We denigrate our state and nation when some of our citizens are hungry.

In an effort to keep food costs in check, government wants to open our borders to cheaper supplies. The United States is now a net importer of food. Will we soon become dependent on foreign sources to meet our food needs?

Well, it's obvious that Montana faces a challenge in terms of feeding our poorest citizens. It's clear that high food prices have a devastating impact on the poor. Anyone who is losing more from high-priced food must gain more from higher income. However, Montana remains 42nd nationally in per capita income.

This exemplifies the real problem; income will fall as the recession relentlessly marches forward while food costs rise.

I challenge Montanans to help feed our hungry. I know ranchers will do something about this paradox. Montana Cattlemen's Association Foundation for Education, Research and Charity has launched a new program, "Beef on Every Plate." We are resolved to process 100 cows over the next few months and donate the beef to our food banks across the state.

For cattle producers, we ask that you donate a cow, bull or steer, and for those who do not own cattle, we ask for a monetary donation to offset the beef processing costs.

If you would like to contribute to this worthwhile cause, please contact Montana Cattlemen at mca@montanacattlemen.org or call 259-5433. All contributions are fully tax deductible as charitable donations.

Dennis McDonald
Melville

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LAST YEAR 2007 WE DONATED 6 DRY COWS TO HELP
LEVI BRITTON ^{SHD} THEY AMONG THE BEST OF OTHERS.
AND ALL SIX (6) WOULD BE BUTCHERED. BILL
ROWE

BILL AND ANNIE ROWE

AGRI NEWS

The Best in the West

13
AGRI-NEWS, MAY 2, 2008AGRI-KIDS
of the Week

"This is a picture of my horse I got for my ninth birthday April 24," wrote Kaylee Jo Nystrom of Havre, Montana, shown at left in the photo. "His name is TJ, and he is a six-year-old Quarter Horse. And my brother Kollin is on his horse, Major." Thanks for sharing, Kaylee!

cow down the coulee until Remi could retrieve the right tag and the filled syringe. In my silent prayer for protection, I included, "It's a heifer; thank you, Lord!" (Bull calves also have to be banded, and that was not an inviting prospect with this overly protective mother blowing snot everywhere.)

...Cont. on pg 15

Desperately Needed!

"Culls" and "Drys" for slaughter to be donated to the Billings Food Bank, who distributes meat to seven aid agencies including: *Montana Rescue Mission, Salvation Army, SR. Nutrition Program, Family Services, Women's and Family Shelter.* **Tax Donations Receipts of \$500/Adult animal will be given.**

All cattle to be delivered to PAYS or B.L.S. yards in Billings, MT. Call campaign organizer Levi Britton (406) 628-2593 and/or see www.cattlemenfeedtheneedy.com for details.

29
IN VIEW OF
OUR RANCH
OPERATIONS
AND OUR
SECURITY
POTENTIALLY
AT RISK THE
FUTURE FARMERS
OF AMERICA
(FFA) MAY
LOOK TO
OTHER FIELDS
OF WORK,
INSTEAD OF
FARMING AND
RANCHING.

THIS AD IS MAY 2, 2008 AND THE
NEEDS ARE ONGOING.

DENNIS McDONALD, MELVILLE
WROTE AN ARTICLE JAN 31, 2008,
IN THE OUTPOST (ATTACHED ENCL.)
WE SENT OUR COWS TO PAYS IN
DECEMBER 2007. ALL 6 COWS WERE
GOOD MEAT AND CUT UP.

30



THIS IS A PICTURE OF MY PARENTS
GRAVESITE ON OUR RANCH. THEY WORKED
HARD ALL THEIR LIVES TO KEEP THIS
RANCH IN THE FAMILY.

WE RESPECT AND HONOR THEIR MEMORY.
WE WOULD NOT WANT TO SEE THIS SITE
MARRED OR VANDALIZED.

Annie and Bill Rowe

Circle R River Ranch Acquisition
Public Meeting
May 8, 2008

Introductions of MT Fish, Wildlife & Parks Staff: Ray Mule', Wildlife Manager, Harold Guse, Warden Captain, Gary Hammond, Regional Supervisor, Bob Gibson, Information Officer, Jay Watson, Wildlife Biologist, Dianne Stiff, Office Manager.

Bob Gibson gave a PowerPoint presentation overview on the draft Environmental Assessment for the purchase of the Circle R River Ranch. This area encompasses 3,976 acres and leases of 690 acres of important habitat along the Yellowstone River located 2.5 miles west of Pompey's Pillar National Monument.

Recorded Public Comments:

Lee Gustafson – Laurel Rod and Gun Club

Letter of support submitted.

Statement Read from letter: Although fish and wildlife programs, that is block management, have been effective in many ways, for access these are only temporary solutions. Permanent access solutions such as the Circle R Ranch are the answer in the long run. We believe the reasons spelled out in the EA are very valid. Conservation habitat protection is extremely important in an area where subdivision habitat fragmentation is an imminent threat. However the additional access provided to public land and water is equally important with 9,000 acres of public land and 5 miles of the river being very significant. The Laurel Rod and Gun Club represent a 480 family membership, which would be at least a 1,000 individuals in the area. We are highly appreciative of Fish, Wildlife and Parks and Region 5's efforts to protect and increase access of public lands, water, wildlife and are hoping you can move expeditiously. Again that represents almost 500 family members from the Laurel/Billings area are strongly in favor of this.

Mike Whittington - Billings

Statement read that will be sent by mail in the letter: From the Magic City Flyfishers.

We're an organization of active anglers in southcentral Montana with approximately 200 family memberships whose interests include fishing, camping, hiking, hunting and other outdoor recreation. We have reviewed the Environmental Assessment for this proposed property acquisition and find it to be very thorough and to the best of our knowledge feel it accurately assesses the proposal from a social and environmental perspective. We fully and enthusiastically support the proposed action. As frequent users of public lands and access sites on the Yellowstone and surrounding counties, we recognize the rapidly increasing demand for outdoor recreation opportunities closer to the Billings metro area. This acquisition of a very large parcel of land within 30 miles of Billings with the added benefit of providing access to 4700 acres of additional public land, BLM and School Trust, will go a long ways for meeting that demand. We are particularly enthused about the variety of opportunities that this block of over 9,000 acres

would offer the public. Especially the nearly 5 miles of riparian and river frontage. We appreciate your agencies proactive role in expanding outdoor recreation opportunities in our areas and our club would like to be involved in the management plan design and implementation phase of this acquisition. Please keep us advised, sincerely, Chris Fleck, President.

E-mail Message – Montana Wildlife Federation in Helena. They represent about 5,000 members. They will be sending a letter to the effect that they will be voicing strong support of this acquisition.

John Gibson – Representing the Public Land Access Association

There is a local Billings Chapter of the Public Land Access Association of 120 members, but statewide there are around 700 members. We're supporting this. This is a willing buyer/seller arrangement. I don't see anything wrong with that frankly. The money that is being used for this comes from sportsmen from our sportsmen's dollars. The excise tax perhaps, but primarily license fees. Fire danger, the county can close that road anytime they want to if the fire danger is high. The fact that there is only one way in there cuts both ways. If somebody goes in there and creates a violation, let's say with a 4-wheeler, they gotta come out that way unless they try to go all the way through to the public land. Then they are trespassing on Shelhamer, another ranch on the other side. I've heard these arguments before, but let's compare this to something like the Beartooth Game Range outside Helena. Frankly, it's close, there's lots of 4-wheelers, there's this, there's that, the other thing. One way in, same way, they don't have any significant problems there, and so consequently, I'll repeat myself, we support this all the way.

Irv Wilke – President of the Billings Rod and Gun Club

As I stand here tonight I represent 2,000 family memberships. We strongly support this. We have already sent a letter to that affect. It just gives the hunting public another place to hunt. If we don't do this and it's sold to a private landowner, all this ground, it belongs to all of us, is lost. Some of you may have the access to it, but not all of us will have access to it. And a lot of this already belongs to us and yet we haven't seen it. We haven't put a foot on it. We strongly support this.

Tony Brilz – Local Sportsman

I find it appalling that we are talking in this way. We could get on a lot of this land as hunters and fishermen if we would know how to approach these places. As I said before, anybody could get on this land. NRA member, a Vietnam Veteran member, handicapped person, old people, young people.....I've taken two kids out there to hunt on those ranches and they got their first deer. I'm going beyond the hunting and the fishing. It's the access that we're talking about and the impact that we're going to have on a 100 year old ranch. I lost my access into the Ruby Mountains because a man had a lot of money to fight it. I spent a lot of money with the Butte Rod and Gun Club trying to get Turner's vote over ruled. But guess what? We had to go in the other way. I'm 63 years old and walking in, but I can still do it. I can walk in. You can walk into these lands if you want. I want to know how many of you guys that are talking about this have actually been out there and seen this country? How far have you been on the place? It's

been locked off for a bunch of years down below. I got on by going out there and helping people. I get on people's property by Castle Butte in the same way. The feet, the hands, it's knocking on the doors. It's their land. Okay let's buy this place. Let's pay a reasonable price then. Six and a half million dollars is too much. What did the Brown Ranch sell for? Does anybody know? I betcha \$200 to \$300 per acre. You can still get in there if you ask and work. If you work your way, don't expect to go when the fires are going, and don't expect to go when the mud is deep. It's not an argument. I'm a hunter and fisherman too. I've bought my licenses since 1945.

Tom Carroll – BLM, representing Jim Sparks, BLM

Jim Sparks was unable to be here this evening, but he assured me that himself and the entire staff and a good number people in the state office very much support this proposed action. The last 15 years that I've been in the office, one of our main activities is telling hunters why we don't have access to the public lands. It's a huge time consuming process. I've had to tell handicapped folks, minority folks and regular folks that we don't have access into that. And for years we wrangled with Yellowstone County over the issue and got nowhere. Frankly, I'm really pleased that Fish, Wildlife and Parks is stepping up to the plate and trying to resolve this situation, but at the same time respecting private property rights and public land values. Thank you and we'll have written comments to you by Monday. Really appreciate your efforts.

Bill Glaser – Legislative Appropriations Committee

That school section is a public school trust section. It had been incorrectly stated in the assessment that it belongs to DNRC. It does not belong to DNRC. I would like that to be corrected in the assessment. I would like you to take the opportunity to expand the assessment to specifically address, if you would, the successful bidder, the management of that particular piece of land and your philosophy to manage it. I think it's important for a number of reasons, but it's most important because a few minutes ago somebody said that is the public's land. It's not the public's land. That is a piece of "school trust land". The trust is something unique. It's specifically set aside in the Enabling Act for 145,000 children of this state that are currently going to school. I would like this addressed so we understand where we are going, and so no one gets angry when I say schools and children have rights here. Let's not tread on them. I don't know another way to say it. I just wish that we could figure out a way where the people who use the land and manage the land for whatever purpose pay their share for what's going on that piece of school trust land, and not take advantage of the someone who has no voice. I have an 18 year history in this state of being the voice of children in Montana. During that particular period of time we had a piece of land much larger than that, where we allow only two hunting groups in per day. We understand that managing this piece of land is going to be more challenging than we originally expected. I'm not saying it should or shouldn't be bought. I think the money that is going to be used to buy this piece of land in fact is general fund money that was allocated or appropriated in the process. I think it's appropriated money for the Governor's proposal to buy hunting land. I think that's where the money is coming from. (Ray Mule' clarified that money was allocated for state parks and fishing access sites, and there may be some of that money go to this purchase, but the majority of the money for this purchase will come from Habitat Montana which is funded by hunting license revenue. A portion may come from the Governor's legislature

appropriation for state parks and fishing access sites.) Bill Glaser continued with we struggle with keeping the books straight and keeping the point of views straight and this is very important for hunters, fishermen, and for children. We need to get it right. We don't need to be fighting this for 10 years. We don't need the landowners to all of a sudden decide that they are going to play the same game that the other folks have been playing, and we end up suing each other for 20 years. We don't need that. We don't need a family to sit down and say "well we're mad about what happened there, so we are going to shut all hunters out of this other area." We don't need that. That's why it's so important that we treat that blue piece of ground with respect. That belongs to 145,000 children while they are going to school. And then it becomes the trust of another group of kids, and another group of kids, given to us for our kids, so lets address that. If you don't it will be addressed.

John Shelhamer - Landowner

Montana Statute 87-1-241 Section 2 requires that the neighboring landowners be actively informed of acquisition process and allow time to comment. Now we respectfully request to have some more time to be able to comment. Two active working days, Friday and Monday, really doesn't appear to be enough time for us to comment.

Obviously there are a lot of people who are actively supporting this. We've had people talk about memberships of thousands and thousands of people who want to get on this property. If indeed, we are going to have thousands and thousands of people on the property, we believe an Environmental Impact Statement has to be conducted. An Environmental Impact Assessment has to be conducted because it's a drastic change from what the lands are being used for now if you are going to have thousands and thousands of people in there.

Annie Rowe – Landowner

My place is on the east and the north of this whole area. The road that comes into it comes from Bundy and then the Bozeman Trail. I live on that. My grandfather came here in 1913 and settled there. It's been a lot of hard work to keep this farm intact, so here I am. I am one of the owners adjacent to the Circle R Ranch, and this road that even gets up to this place runs right through the middle of all my property. We were not notified as to this meeting and we read it in the Yellowstone County news last Sunday. We've had no mailbox up as we've been vandalized three times. You can't keep a mailbox out. We have to go to Worden whenever we want to get our mail. I read the FWP acquisition and there are a lot of problems that are not addressed here. With the statement unlimited public use 24 hours a day all year, there are many issues that I'm concerned about. The dust, the traffic, noise, garbage, fire dangers, vandalism, theft, trespassers, keggars, no toilets, fences, road, people safety, animal safety, open range, 4-wheelers, no 24 hour patrol or enforcement, no supervision or very little from what I hear now, no penalties noted for violators and very few restrictions. How and who is going to take care of all these problems? All these problems effect you, the public and me and all our neighbors. With all these unaddressed problems, I think it is very necessary to have an EIS done since there is going to be a big impact on this fragile dry land with unlimited public use. There is the probability of air pollution with all the dust, noise and water pollution and erosion and so forth. Dust from excessive traffic floats over into the range grass, and the hay fields that we have here. The cows

won't eat it. When they walk across the dusty grass they get dust pneumonia and may die. Most of them do. There's going to be no toilets. For a while it said in your paper. And there'll be dirty toilet paper hanging on the bushes and sagebrush. This is one of the terrible things that I just hate. I tell all the hunters to have a shovel and there are three uses for it and that is one. I do not like going out and picking up dirty toilet paper. That's one of my biggest pet peeves. And what is wrong with productive ranches and ranchettes and subdivisions? Is food not important anymore? This acquisition may look good on paper, but we need to come to some common sense, considerations for everyone. I'm not saying just for me, because I live here. It appears there is a quick grab and run deal here, and just not enough facts. I feel that the FWP could have had a meeting with all the surrounding landowners and worked out some of these problems before we came here, instead of this surprise deal. I realize people can sell private property to whom and when they wish, but there is a lot of money here and problems involved here. This is not just a simple ranch sale. We are requesting a delay date for comments since no landowners got a written notice in the mail on this meeting. I had to call when I happened to find it in the paper on May 2nd. I had to call all our neighbors. They didn't even know about this. Nobody knows what the Circle R Ranch is and farmers and ranchers are busy with planting and calving at this time of the year. The road I mentioned in the beginning of the statement has had very little traffic now and it takes a long time to get any wash boards in it. I want to know who is going to maintain both Bozeman Trail and Bundy Road. I know the County says that this is probably a road, but with all this traffic, they aren't able to get up there, I don't think that often. The dust problem for me at our house, as our house is close to the road on the Bozeman Trail, is a concern. We get southwest winds with the increased traffic; there will be a lot of dust. I think this is a real bad health issue for us. And how will this be handled? I mean are we just going to be sitting there in the dirt? If one of your guests has a fire that gets out of hand and gets away from them and burns into the neighbors, who's liable here? Some of the bordering fences are in bad need of repair, and there are some areas where there are no fences, who will have a list and how will this be handled? It said in your paper that there will be very little impact to the neighbors, but maybe that's the way you all feel, but I think there is a lot of impact to us and to our operation. We've lived here for 95 years, our family has, and we're over 70 years old, but doing good. I just think we have all these problems to take care of before all this can go and I just can't understand how come nobody has never talked to us or said anything to us or do anything. I mean we're just sitting here and we're taking the black of it, and all these guys over here think it's just great. Well I think it's great, I'd like to recreate too, and I like to hunt and we've always let hunters go, and if they ask they can go back there if they wanted to on the BLM, but nobody ever asks. Or very few have, they don't knock on our door, they come up to the gate, turn around and go and do whatever they wish. I could tell you a lot of horror stories too, but I know you've all heard about them before. I'm not going to talk about them because they're there and we know it's going to happen and it's just going to go on. I'm willing to try to work with you because it sounds like it's going to be a true deal, but I think that this will be a big impact on us. A very big impact. I will have more to write by Monday. I have to talk to our lawyer about it. We do need an extension.

Bill Rowe – Landowner

The real point is that this condition we've come into, and when landowners ain't advised, it got out of what you looked at, a formal process. Then you find out four days before, Sunday is when

we find it in the paper in Yellowstone County News, and we had to get active. We've got calving going on and it's hard to get up mentally to defending what the heck we've had for years.

Annie Rowe

Mr. Carroll, when we had this problem before you never came to my door, you never came my door to ask about anything or to say until we finally an invitation to come up to the third meeting on this road deal. And that's where the whole problem came. I'm sorry about it, but that's the way it was. (Mr. Carroll, BLM, – You're talking about the meeting with Yellowstone County?) Yes, and you were there pushing all this stuff and all the things you were going to do up in the BLM. Bill Rowe – We called and the operation you were planning was the road should be changed to Winnebago Lane. I mean there was talk of fire pits and a whole industrial issue. We thought it was going to be another Awnee.

Kirk Marzolf –

He prefaced his comment with a question – are we going to decide tonight whether we are going to get an extended period of comment, public comment? We obviously walk out of here on a Thursday night, if we are not going to get an extension that drives some considerations, so I guess that would be my first question. I'd hope we'd know before we leave tonight whether or not we are going to get an opportunity to comment.

Secondly, along the comments, as I understand it we do have an environmental assessment here for proposed purchase. We really didn't do it for the proposed management if there is going to be any development. I think as I read the environmental assessment that to me it was very thin on details and specifics particularly with regard to how it will be managed. I think that is an important piece. When you buy a piece of property and we're going to do an environmental assessment, if we do that without factoring the significance of the public's impact on a relatively fragile area, terrain, I think that we miss it. My comment would be, as I listen to Annie, we maybe take a look at an Environmental Impact Statement. I think when we start talking about potentially high numbers of people in a relatively fragile landscape, that the significance of that is pretty important. Not just getting their ingress and egress issues, but how we manage it while they're there. I can see some things with wildlife, if there is a lot of public use, that's going to affect wildlife particularly during their breeding season when they're rearing their young. There's a lot of impacts there I think that are relatively important that I don't see addressed in this environment assessment. I guess that would be my comment, that maybe we need to take a look at doing that.

Thirdly, I don't know how you take a project of this order of magnitude and try and pull it off without the cooperation of the people that are surrounding you. There's absolutely no contact, I almost felt like we were a little thin skinned here when you said "well yeah, we put it in the paper." Well frankly, there should have been notice to at least the adjacent landowners, and probably better the surrounding landowners, because I think there are some pretty serious issues here. Frankly I don't think my question was ever answered over whose liable in the event of a fire that's started, and you can get into whether it's a negligent or not negligent, but there again I think that's an important piece as to who is not only responsible here, but whose liable for the

actions of others, i.e., public. I think when you take a fragile landscape, a relatively arid fragile landscape, and open it to the public that's probably fine, but we take 24x7, no limitations, in my opinion that should probably be looked at. If we're going to have hundreds of people out there, that looks like a lot of land, six sections, but you start getting a lot of people up there and the effects will be felt on that property itself, and adjacent properties as well.

Janet Talcott –

I adjoin and have land out in that area. And I won't go into what Annie said, but I agree whole heartedly with everything that she said in her comments.

Linda Shelhamer –

I went to Shepherd High and have lived out in this country ever since I was a 4th grader. I'm pretty familiar with this land and I guess I have a concern that we do not rush off to judgment here. One, I'm surprised they think they can get 6 million bucks for this property and kind of news to all of us who have been buying property around there. And I also thought all minerals rights underneath there were pretty much controlled by railroad. Is that accurate? When the railroad has all the mineral rights of most of that land, and if they wanted to do some development, that would kind of interfere with our recreation, but that's one issue and I guess you guys will cut the best deal you can. We did find out in the Yellowstone County News, and we were also kind of shocked. We talked to some other people that are right south of there when we were in Worden today, and they had no idea what was going on. It might have been because it was so important to you guys, it might have been clear to you that everybody knew, but everybody in that area doesn't know and some of us didn't know at all. I guess I want to see that you take more time and give us an expanded assessment of your management plan, how it integrates with the BLM in there and what the sheriff's department concerns are because I don't know that there is any deputy sheriff in that area anymore. What does the volunteer fire departments think about the increased risk with thousands or hundreds of visitors per year? Just slow down a little bit so that we know what the management plan is, the more people you get in there the more existing shy wildlife are going to go somewhere else. That's fine for us because we like birds on my Dad's place, but I know burrowing owls don't like people. The prairie dog and the deer are going to come and go based on whether anybody has a gun out, but all these other species are going to have to go somewhere else. I guess I don't feel that you can expect more people in this area could help anything.

Bill Rowe -

I'd like to address a problem now that we are talking about. I'd like to address problems that really affect us related to the traffic and things like this. We have a spring driven well at the house. Our house is 150 feet away from the county road. In the construction there is what I will call an "S" curve. If you were driving up to the house you would approach that curve that homesteaders, back in the twenties, really built riprap protection and put a culvert in. The culvert is still good. We know because we chase skunks and porcupines down as they come up the other end. But the thing is right along that road and in that curve, we see the seepage of water. And around the next following curve, there is a rise up the hill about 50 yards, and then

you are hitting a relative flat area where the house is located. What we're talking about is the idea of the impact of the traffic, and road equipment hitting that could disturb our water supply. That would be extreme. The point is that well was drilled in 1948 or 1947, it lasted ten years or roughly to 1958, the casing collapsed. Annie's Dad and I worked on that well and moved it over adjacent to the house. He was a rather uncanny fella and he knew well how to locate things there with the country, being very familiar. That well then became 233 feet down with the water level sitting in there where you are taking that table, I'm going to use a number of 100 feet. With this drought it has decreased. But the real position and point there is if that gets disturbed and we lose that water supply, is Fish and Game going to come in and fix that for us? We did drill another well about 70 feet to the east to have a second water source. But that went down 201 feet and it produced a gallon ½ per minute and is now buried. Now I wish we'd have saved it because we could have put a heat pump in there. That's second thoughts, but I mean seriously. That has been a concern and all the way throughout time. Ron Propp has been up there and seen that water on the road right there on the curb by where that drains right out of the hill. We lose the water, we're sunk. The thing is that ain't drainage, that's spring area there and it's our main source for livestock and domestic use. It's served us since 1948 and continues to be. The real thing I wanted to call attention to is how would the Fish and Wildlife address that? This is a look at our future, and you don't know if the traffic will be there 50 cars a day. Geologic formations and salts can be dissolved down there because of the vibrations. That's what seismographs do and we're on a hill. If you take and lose the dissolved salt packet then you start getting this to collapse. I can take you out on the roads and show you exactly what he means if you are willing to come out. There is a vital concern.

Ron Propp -

About 4 years ago there was an effort to get that Bozeman trail opened up to the BLM. Trouble and effort went on for a couple years I guess, then it was given up on. It was my understanding that the Bozeman Trail was a public road declared by the County Commissioners in 1916 or 1918 era, right to the gate north of the state section. But now somebody is saying it's a public road only up to the line of purchase. I'm a little bit confused as to which one is it. (Ray Mule' clarified.) Ron Propp continued with that the early records show that it was a county road within one mile of that federal land, but it could never be shown that the one mile stretch was a county road, so the effort was set aside.

Lane Larson – State Senator

I'm the state senator for senate district 22 which this particular property lies in. I do live in Lockwood, up by the Pictograph Caves. That's a state park and that is very controlled. Closed in the winter, and then open only certain hours of the day. There's different things for the different parks, different wildlife managements. A lot of these things, I don't think the Fish and Game really wants to get boxed in by what may or may not happen so they are leaving the door open. What concerns me is what would happen if we have a 4-wheeler club or 4-wheeler/snowmobile club buy this property? That would be a concern. There's not going to be any evaluation on this. We are going to get new neighbors here, it occurs to me, one way or another. I've served on the Private Land Public Wildlife Council and these are issues we wrestle with all the time, the hunting and fishing, these kind of things. And one of the biggest things we

have trouble with is that we do have some money, not a lot. A lot of times prime property slips by the state due to the process we go through to purchase property. I still believe in that process. I think it needs to be done. This is part of it and this needs to be part of this particular act. I really feel the chances are good that with this purchase with the Fish and Game, that you will have good neighbors. I really believe that. I know that there could be a lot of potential problems come forward in this situation. I grew up in Forsyth, and I had a little lot on Rosebud Creek. I didn't realize that when you went hunting that you just went out hunting. We always stopped, fixed a fence, moved some cows that was all part of it. You did that in the morning and then you hunted in the afternoon. That is one of the things we are trying to tackle as an organization of PLPW Council is to get us back to that. Get us back to where we are working with that. That's a definition we are dealing with here, but you know that all ties into part of it. Tony expressed as well as it's been expressed that we need to get back to working with landowners. The situation here right now is and I just think this is a question we all have to think about in our minds, if we are going to have new neighbors here, who is it going to be? Thank you.

Ron Propp

I could agree with what he has to say because if for whatever reason, let's say the Fish and Game irritates this Morris family and the Morris family decides to sell it to somebody else. That is a legal sale and it is theirs. If the title is turned over to the developers I'm thinking of, then it's all over with.

This idea of the dust, Annie fairly documented the sense that the cows won't eat the grass, and then will end up with dust pneumonia and the veterinary bills will increase. Another item here, we got relative to that traffic. We are talking about air quality and you are talking about these increased numbers as Annie mentioned there at the house, it's just going to be tough. How do we get that extension or an EIS going?

Gary Hammond –

Make sure you have all signed the sheet with your name and phone number, and I'll personally call you tomorrow to let you know if we decide to go with an extension. This closes for comments officially Monday, May 12, at 5:00 p.m.

Bill Rowe -

With this traffic problem there is the dust. There's also another problem the noise level increase. That's one of the things in an EIS that you have to address. For various reasons noise levels. Has it really been verified or set on the record, fire, because here is what I have to say on fire. When that cover burns off on the hills, it's barren and when you get rains then comes a very important element of Mother Nature, siltation. That's been practices on the rivers out into the oceans. The siltation problem has to be really addressed. I mentioned that road that was cut in last summer across the property where the solar well is located on up right into the corner where that BLM gate is located. Soil contamination, gas/oil/fluids, septic tank dumped from trailers, transmission fluid, and chemical spills needs to be addressed. You hear or read about antifreeze killing calves and people. (Ray Mule' clarified that if there is a campground development that

does occur on the property, that will be addressed in another EA which will address all of those types of concerns that you are talking about, campers, dump sewage and all that stuff. That's why we are not addressing that here.) Bill Rowe continued with fences, Annie mentioned, weeds, we are talking about noxious weeds, leafy spurge and it is treated, but it is a concern. You look at our place and we got it up to park status I could say pristine level. The real thing is it's really fragile. Vandalism is a condition. When I look at that, the trailers, the numbers, we also operate open range down there in our meadow and our hayfield. In each of these little cases that I mentioned, those integrate into the entire production package.

Comments adjourned officially at 8:50 p.m.

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Land acquisitions on commission agenda

Pursuit of acquisition of two ranches in south-central Montana are on the agenda of the Montana Fish, Wildlife and Parks Commission when it meets April 17 at the FWP Helena Headquarters, 1420 E. Sixth Ave., beginning at 8:30 a.m.

One ranch is located south of Bridger and the other is east of Pompeys Pillar. Commissioners will voter on whether to pursue acquisition of the ranches.

Commissioners will also make final decisions on recommendations for the governor to consider to fill a vacancy on the Livestock Loss Reduction and Mitigation Board and a time-frame extension for the city of Helena to remove urban deer. Up for tentative approval are the 2008 mountain lion hunting quotas, and the 2009 moose, bighorn sheep, mountain goat, mule deer and elk license auction rules.

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Outdoor types cheer FWP's move toward buying ranch

**By BRETT FRENCH
Of The Gazette Staff**

The Montana Fish, Wildlife and Parks Commission on Thursday decided to try to buy two parcels of land near Billings that could open more than 8,000 acres to hunters and anglers.

"We're really in a preliminary stage," said Hugh Zackheim, FWP's land agent.

The Circle R River Ranch includes more than 4,000 acres of deeded land. It surrounds 621 acres of state school trust land and 69 acres of Bureau of Land Management acreage. The ranch is about one mile west of Pompeys Pillar along the north bank of the Yellowstone River. The property has about five miles of river frontage on the south and borders an additional 640 acres of school trust land and 3,200 acres of BLM land that are inaccessible to the public.

"It would be a pretty substantial acquisition," said Bob Gibson, the FWP spokesman for the Billings area.

The proposed Clarks Fork Fishing Access Site would encompass about 172 acres of farm land and riparian habitat along the Clarks Fork of the Yellowstone River, just south of Bridger. The land abuts 40 acres of BLM land and is close to a BLM island.

At a time when public access to public and private lands has grown contentious, the acquisitions would be unquestionably valuable to the growing Billings area's sportsmen and sportswomen.

"It would be a good acquisition," said John Gibson of the Public Lands Access Association Inc., a group that fights for public access to public lands.

He said the public-lands group tried to open a county road to the adjacent BLM and state lands about three years ago but ran into problems when the last mile of the road was never filed with the county.

"We didn't press it because we couldn't get that last mile," he said.

Doug Haake of FWP's Region 5 Citizens Advisory Committee agreed that the Circle R Ranch would be a good acquisition.

"What a great spot, and finally something on the other side of the river," he said. "Probably the big bonus is that it butts up against almost 4,000 acres of public land."

Zackheim said The Conservation Trust has offered to purchase the property on FWP's behalf and be reimbursed later, since the nonprofit group can move more quickly. The FWP Commission and State Land Board would have to approve the purchase. Most of the money would come from the Habitat Montana Fund, which is generated from hunter license dollars.

There's still a lot of work to do to ensure that the parcels end up in public hands. Appraisals and an agreement on fair purchase prices will need to be reached. An environmental assessment is expected to be released soon on the Circle R Ranch, followed by a comment period and a hearing. Decisions would then be made on the best way to manage the lands. Would the areas contain campgrounds? Would lands be walk-in only? Improvements to the land, such as campgrounds, trails, signs, boat ramps and roads, would probably be paid for out of different funds, further complicating improvements to the land.

FWP's Gibson said that if all went well, the lands could be acquired by the end of the summer. The environmental assessment would address when the lands would be open to the public.

The Circle R Ranch is listed for sale by Fay Ranches Inc. of Bozeman for \$6.25 million. The company's Web site touts the ranch for its trophy mule deer, whitetail deer, antelope and occasional elk while offering "excellent bird hunting" for waterfowl, turkeys and upland birds. According to a cover sheet provided to FWP commissioners, one developer has indicated interest in buying the property to create a private "hunting community," with several ranchettes sold and the bulk of the property set aside for exclusive hunting by the ranchette owners.

When told of the asking price, John Gibson was surprised.

"That's quite a price for it," he said. "The proximity to Billings makes a big difference, and the opportunity to use the adjacent public lands.

"I hope if they do get it they put some tough restrictions on motor vehicle use. We've got a lot of problems with that."

Contact Brett French at french@billingsgazette.com or at 657-1387.

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Ups and downs

Ups and Downs gives a quick take on news of the week.

DOWN: College credit. The cost of borrowing for college will be higher for Montana students starting this fall. The crisis in national financial markets has significantly increased the cost of borrowing for the Montana Higher Education Student Assistance Corp., so it must reduce benefits to new student borrowers. For starters, Montana students will have to pay 2 percent loan origination fees, which previously MHESAC covered.

UP: Greater outdoors. With a growing population, south central Montana needs more public lands for recreation. So it's good news that the Montana Department of Fish, Wildlife and Parks is working to acquire a fishing access site south of Bridger and 4,000 acres of land along the Yellowstone River a mile west of Pompeys Pillar.

DOWN: Farm Bill deadlock. The Bush administration and Congress still can't agree on a new Farm Bill to provide a safety net to U.S. agriculture producers and low-income Americans who depend on USDA food and nutrition assistance. The old bill was extended to April 25.

UP: Seoul beef. South Korea agreed to resume U.S. beef imports that had been halted over concerns about mad cow disease. The agreement came just hours before leaders of the two countries were to meet in Washington. Seoul will allow American beef imports from cattle younger than 30 months, including cuts with bones.

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Montana Fish, Wildlife & Parks

NEWS

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FOR IMMEDIATE RELEASE

April 28, 2008

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Public meeting set on Circle R River Ranch acquisition

BILLINGS — Montana Fish, Wildlife and Parks will hold a public meeting at 7 p.m. Thursday, May 8, to answer questions, hear concerns and share information about the its proposed acquisition of the Circle R River Ranch east of Billings.

The public meeting will be at the FWP Region 5 headquarters, 2300 Lake Elmo Dr. in Billings Heights.

The Circle R River Ranch sits along the north bank of the Yellowstone River, 30 miles east of Billings and 2.5 miles west of Pompey's Pillar National Monument. It encompasses 3,976 deeded acres and includes leases on an additional 690 acres of federal BLM and state DNRC land. The ranch provides land access to an additional 4,760 acres of state and federal land that currently are publicly accessible only by boat from the Yellowstone River.

FWP is in negotiations with the current owners for purchase of the property.

The proposed purchase is intended to protect and enhance important wildlife habitat, including nearly five miles of Yellowstone River shoreline, from subdivision or development and to provide recreational access to more than 9,400 acres of contiguous public land and habitat.

A draft environmental assessment of the proposed purchase is online at:

http://fwp.mt.gov/publicnotices/notice_1709.aspx

-FWP-

Story available at <http://billingsgazette.net/articles/2008/04/28/news/local/98-localguide.txt>

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LocalGuide

Monday, April 28, 2008

Local events

- **CITY COUNCIL** 6:30 p.m., Council Chambers

Draft EA released for land purchase

A draft environmental assessment has been released for the purchase of 3,976 acres of land and the lease of 690 acres of habitat along the Yellowstone River, 2.5 miles west of Pompeys Pillar National Monument.

Fish, Wildlife and Parks is pursuing the purchase of the Circle R River Ranch, listed for sale at \$6.25 million.

Copies of the draft EA can be obtained from the FWP office in Billings, by phoning 247-2940 or viewed online at fwp.mt.gov under recent public notices.

Questions should be directed to Ray Mulé, Fish, Wildlife and Parks, 2300 Lake Elmo Drive, Billings, MT 59105 or e-mailed to rmule@mt.gov before May 12.

Advance directives topic of library talk

"What You Need to Know About Advance Directives" is the subject of a lunch-and-learn program at noon on Tuesday on the third floor of Parmly Billings Library. The library is sponsoring the program.

Laurie Townsend of Rocky Mountain Hospice will talk about the importance of advance directives, documents that help determine a person's wishes regarding end-of-life issues.

Architect workshop set for Wednesday

WOLF POINT - The Montana Cowboy Hall of Fame, Western Heritage Center and Studio 360 Architecture of Helena host a preliminary architect workshop on Wednesday in the Centennial Room of the Sherman Inn in Wolf Point at 2 and 7 p.m.

The public is invited to attend either or both sessions to help create the new museum that will tell the story of the cowboys, cowgirls and American Indian people of Montana. For information, call Studio 360 at 457-0360 or the Tack Room Office at 406-653-3800.

Senior, West highs plan joint reunion

Billings Senior High and West High are having a joint reunion for the class of 1978 June 27-28. Classmates can register at each school's Web site.

For Senior High, it's senior.billings.k12.mt.us/senior. Those from West High can register at bwhs78.com.

For more information, call Sheryle at 245-6490.

Women Voters meet Thursday

An independent judiciary, making democracy work and public transportation and health care will be study topics at the League of Women Voters' meeting at noon on Thursday at the YWCA, 909 Wyoming Ave. The public is welcome to join a study group.

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Story available at <http://billingsgazette.net/articles/2008/05/01/features/outdoors/82-ranchaquisition.txt>

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Public meeting set on ranch acquisition

By Gazette News Services

Montana Fish, Wildlife and Parks will hold a public meeting at 7 p.m. Thursday, May 8, at the FWP regional headquarters in Billings to answer questions, hear concerns and share information about the its proposed acquisition of the Circle R River Ranch.

The Circle R River Ranch sits along the north bank of the Yellowstone River, 30 miles east of Billings and 2.5 miles west of Pompeys Pillar National Monument.

It encompasses 3,976 deeded acres and includes leases on an additional 690 acres of federal BLM and state DNRC land and access to an additional 4,760 acres of state and federal land that currently are publicly accessible only by boat from the Yellowstone River.

A draft environmental assessment of the proposed purchase is online at:

fwp.mt.gov/publicnotices/notice_1709.aspx.

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FWP officials to discuss plans for Circle R River Ranch near Pompeys; Would be pristine hunting, fishing site

Staff report

BILLINGS HEIGHTS - A public information meeting concerning the state's proposed purchase of the Circle R River Ranch will be held at 7 p.m. Thursday, May 8.

The public hearing is sponsored by Montana Fish, Wildlife and Parks (FWP) and will be held at the agency's office at 2300 Lake Elmo Drive.

If the state is successful in buying the land, it would be a managed development area set aside for primarily hunting and fishing with a small camping and picnic area, according to Gary Hammond, FWP district supervisor.

FWP staff will give a slide presentation and talk about funding sources and future plans for the tract.

Officials say it will be a time to ask and get answers to questions, hear concerns and share information about the acquisition of the ranch located 30 miles east of Billings along the north bank of the Yellowstone River. It is also 2.5 miles west of Pompeys Pillar National Monument.

Circle R encompasses 3,976 deeded acres and includes leases on an additional 690 acres of federal Bureau of Land Management and state Department of Natural Resources and Conservation land. The ranch provides land access to an additional 4,760 acres of state and federal land that currently are publicly accessible only by boat from the Yellowstone River.

FWP is in negotiations with the current owners, the Morse family from Florida, for purchase of the property.

FWP officials say the proposed purchase is intended to protect and enhance important wildlife habitat, including nearly five miles of Yellowstone River shoreline, from subdivision or development and to provide recreational access to more than 9,400 acres of contiguous public land and habitat.

A draft environmental assessment of the proposed purchase is online at:

http://fwp.mt.gov/publicnotices/notice_1709.aspx.



Montana Fish, Wildlife & Parks

NEWS

Region 5 • 2300 Lake Elmo Dr. • Billings, MT 59105
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FOR IMMEDIATE RELEASE

May 9, 2008

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Comment period on Circle R River Ranch EA extended

BILLINGS — Montana Fish, Wildlife and Parks has extended the deadline for commenting on its Circle R River Ranch acquisition environmental assessment until 5 p.m. May 16.

The deadline was extended by four days at the request of adjacent land owners who attended a public meeting on the EA Thursday night and asked for more time to comment.

The Circle R River Ranch sits along the north bank of the Yellowstone River, 30 miles east of Billings and 2.5 miles west of Pompey's Pillar National Monument. It encompasses 3,976 deeded acres and includes leases on an additional 690 acres of federal BLM and state school trust land. The ranch provides land access to an additional 4,760 acres of state and federal land that currently are publicly accessible only by boat from the Yellowstone River.

FWP is in negotiations with the current owners for purchase of the property.

The proposed purchase is intended to protect and enhance important wildlife habitat, including nearly five miles of Yellowstone River shoreline, from subdivision or development and to provide recreational access to more than 9,400 acres of contiguous public land and habitat.

The draft environmental assessment of the proposed purchase is online at:

http://fwp.mt.gov/publicnotices/notice_1709.aspx

The EA covers only the proposed land purchase and any future significant development of the land would be subject to an additional EA. Written comments should be emailed to rmule'@mt.gov or addressed to:

**Circle R River Ranch Acquisition
Montana Fish, Wildlife & Parks
Region 5 Headquarters
2300 Lake Elmo Drive
Billings, MT 59105**

-FWP-

Locals speak out against FWP purchase/lease of over 4,000 acres along Yellowstone

by Evelyn Pyburn

BILLINGS - In response to requests at a public hearing on Thursday, the comment period for the purchase of the Circle R Ranch near Pompeys Pillar was extended, by four days, by the Montana Fish, Wildlife and Parks (FWP) Department until Friday, May 16, 5 p.m.

The request came primarily from neighboring property owners who said that they only became aware of the possible transaction a few days prior to the public hearing.

Representatives of area sport groups were lined up at the hearing with well-prepared statements in support of the proposed purchase; the comments from neighboring property owners tended to be less supportive.

The state agency plans to purchase 3,976 acres and 690 lease acres of the Circle R River Ranch, two and a half miles west of Pompeys Pillar National Monument.

The public hearing was part of the requirement in performing an Environmental Assessment (EA) regarding the proposed purchase.

Identifying the property as the Circle R River Ranch, as it was in public notices, did little to inform the public said neighbors. It was better known to locals by reference to the name of a former owner, John Brown.

Many of the property owners said that they thought the FWP's proposed management plan should involve a more extensive study than that provided for in an EA.

Gary Hammond, FWP Regional Supervisor, explained that time is of the essence, and both the time frame for the comment period and the determination to do an EA were influenced by that fact. He said that they are dealing with a very "motivated" seller, who wanted to sell as soon as possible. Following the public comment period, the proposal must also be approved by the Montana Fish, Wildlife and Parks Commission and by the State Land Board.

FWP officials said that while a more extensive study is impractical at this point, it doesn't mean there won't be future studies, if the agency acquires the property and as they pursue other management decisions, such as the possibility of a campground.

It was things like possible campgrounds and increased public traffic through the area that prompted concerns of neighboring property owners. Much of the opposition came from Bill and Annie Lowe.

Contrary to the EA conclusions that the acquisition will have little impact on the area, the Lowes said they believe there will be substantial impact on them and their property. Increased public use will generate more noise, dust, vandalism and risk of fire, they said. The Lowes, whose property was devastated by recent fires, were particularly sensitive to the threat of fire.

Several different speakers asked if FWP officials would be liable in the case of a fire started by a member of the public using the public land.

The officials said that the agency would be held liable in the same way that any other property owner would.

They pointed out that individuals who start fires which damage the property of others are often prosecuted.

The property owners pointed out that attempting to collect damages from kids using a public campground for a "kegger" would probably do them little good. They perceived an elevated risk with public access.

The Magic City Fly Fishermen are "fully and enthusiastically in support of the action," said Mike Whittington, of Billings, speaking on their behalf.

Lee Gustafson of the Laurel Rod and Gun Club said his group too is "strongly in favor" of acquiring the property, which borders five miles of the Yellowstone River and will provide a long sought-for access to other public lands in the area.

The acquisition will serve five purposes on behalf of the public, according to the EA. It will protect and enhance riparian habitats, sagebrush grasslands and ponderosa savannahs. It will also provide public recreational access by land to 9,426 acres owned by the DNRC (school trust land) and the Bureau of Land Management. And, it will "prevent subdivision of important wildlife habitat."

The FWP is pursuing an appraisal of the property and will base their offer on that. The property is listed for sale at \$6.25 million.

Ray Mulé, FWP Wildlife Program Manager, explained that the funding would come from a combination of sources — primarily the FWP's Habitat Montana program, including the Governor's Access Montana Initiative approved by the 2007 legislature.

The FWP has no purchase agreement in place, as of yet, they said, but hope to make an offer by the end of June.

"Where was the 'fish and game' two years ago," challenged Tony Brilz, "when it was available substantially cheaper?" Brilz said that when it sold two years ago the price was in the range of \$2 million.

Mulé said that the agency didn't have any available funding for acquisitions at that time.

Monitoring and policing the property was a significant concern among many of those who commented. Linda Shellhamer posed the question, "How are you going to manage it day-to-day?" There were those who compared it to Ah Nei, another public land area that has been plagued with abuse and vandalism.

The FWP assured that they would have the manpower to police it. They said that it was not like Ah Nei, since it would allow no off-road vehicles.

"That's what they said about Ah Nei 40 years ago," responded another audience member. "You guys sit here with good intentions, but they had good intentions too, and here we are 40 years later and Ah Nei is a bad word." Mulé said that FWP manages other properties that are even larger and they do not have problems. "We are going to do the best we can do," he said.

"That's not good enough," quipped another audience member.

"You don't see it all the time like we do," said another nearby property owner, Janet Talcott. She added, "You don't have a clue of what goes on when you aren't around. . . we just had a calf shot."

Speaking in support of the proposal, John Gibson, representing a number of different groups including the Public Land Access Association, said, "This is a willing buyer and a willing seller. I don't see anything wrong with the deal. The money comes from sportsmen." He pointed out that as far as fire danger is concerned, the agency can close access at any time that fire danger becomes high.

State Sen. Lane Larson, who was in attendance at the hearing, said that he believed the neighbors were going to discover that the FWP would be a good neighbor. "We are going to get new neighbors here, one way or another. Someone is going to buy this and what if we had a four-wheeler club buying it? A lot of time prime property like this slips through because of the process."

Ron Propp, another area property owner, said, "I agree. If they should sell it to a developer, it's all over with. There won't be any public meetings."

Rep. Bill Glaser requested that a change be made in the EA that would correct a statement that said that the state land involved in the transaction as leased property is not owned by the DNRC (Department of Natural Resources and Conservation) but is School Trust Land which is managed by the DNRC. He also wanted assurances that revenues accruing from the property would continue to do so because it benefits Montana's school children.

Mulé said that the FWP would assume the leases and make the same lease payments as past owners.

Those wishing to make comments may do so by writing the Circle R River Ranch Acquisition, Montana Fish, Wildlife & Parks, Region 5 Headquarters, 2300 Lake Elmo Drive, Billings, MT 59105. Or email comments to rmule@mt.gov. Ray Mulé may be contacted at 406-247-2960.